| - | | | 1 (Pages 2 to 5 |
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| 1 | Page | 2 | Page 4 |
| | IN THE DISTRICT COURT OF THE UNITED STATES FOR THE MIDDLE DISTRICT OF ALABAMA SOUTHERN DIVISION | 2 3 | for any objections to be made by counsel as to any questions except as to form or leading questions, and that |
| | CIVIL ACTION NUMBER 1:06CV0001-MHT | 5 6 7 | counsel for the parties may make objections and assign grounds at the time of trial, or at the time said deposition is offered in evidence, or |
| | MICHAEL D. JACKSON, Plaintiff (s), | 8 9 | prior thereto. |
| | vs. MGA, INC., Defendant (s). | 10 11 12 13 | |
| | DEPOSITION TESTIMONY OF: MICHAEL D. JACKSON | 14 15 16 17 | |
| | JULY 6, 2006 | 18 | |
| | 10:00 A.M. | 19 | |
| l | | 20 | |
| | REPORTED BY: MELISSA S. LEE, CSR | 21 22 | |
| | Page 3 | 23 | |
| | _ | | Page 5 |
| 1 2 | STIPULATIONS | 1 | INDEX |
| 3 | TT IC CTIDLU ATED AND ACRETO | 2 | FVALUE TO U.S. |
| 4 | IT IS STIPULATED AND AGREED, by and between the parties through | 3 | EXAMINATION BY: PAGE NO: |
| 5 | their respective counsel, that the | 5 | Ms. Johnson |
| 6 | deposition of MICHAEL D. JACKSON may be | 1 | |
| 7 | taken before MELISSA S. LEE, CSR, | 6 | TAIDEN OF ENLIPTE |
| 8 | Commissioner and Notary Public for the | 8 | INDEX OF EXHIBITS |
| 9 | State of Alabama At Large, at the law | 9 | EXHIBITS: PAGE NO.: |
| 10 | offices of RAMSEY, BAXLEY & McDOUGLE, 212 | 10 | EXHIBITS: PAGE NO.: Defendant's 1 (Status Change Report) 59 |
| 11 | West Troy Street, Dothan, Alabama, 36303, | 11 | Defendant's 2 (Acknowledgement Form) 62 |
| 12 | on the 6th day of July, 2006, commencing | 12 | Defendant's 3 (Discrimination Form) 67 |
| 13 | at or about 10:00 a.m. | 13 | Defendant's 4 (Charge of Discrimination) 70 |
| 14 | IT IS FURTHER STIPULATED AND | 14 | Defendant's 5 (Dismissal Form) 84 |
| 15 | AGREED that the signature to and the | 15 | Defendant's 6 (Complaint) 86 |
| 16 | reading of the deposition by the | 16 | Defendant's 7 (6/16/06 Resume) 101 |
| 17 | witness is waived, the deposition to | 17 | Defendant's 8 (Verbal Counselling) 105 |
| 18 | have the same force and effect as if | 18 | Defendant's 9 (Record of Assoc. Develop.) 114 |
| 19 | full compliance had been had with all | 19 | Defendant's 10 (Final Written Warning) 126 |
| 20 | laws and rules of court relating to | 20 | Defendant's 11 (Performance Review Doc.) 129 |
| 21 | the taking of depositions. | 21 | Defendant's 12 (3/24/05 Resume) 133 |
| 22 | IT IS FURTHER STIPULATED AND | 22 | Defendant's 13 (Job Opportunity Form) 136 |
| 23 | AGREED that it shall not be necessary | 23 | Defendant's 14 (Revised Memorandum) 143 |

| _ | | | 2 (Pages 6 to 9 |
|----------|--|--------|---|
| İ | Page | 6 | Page 8 |
| 1 | INDEX OF EXHIBITS | 1 | I, MELISSA S. LEE, CSR, Court |
| 2 | | 2 | Reporter and Notary Public for the State |
| 3 | EXHIBITS: PAGE NO.: | 3 | of Alabama at Large, acting as |
| 4 | Defendant's 15 (Requests for Admissions) 15: | | Commissioner, certify that on this |
| 5 | Defendant's 16 (Requests for Admissions) 153 | 3 5 | date, pursuant to the Federal Rules of |
| 6 | Defendant's 17 (Req. for Prod. of Doc) 160 | 6 | Civil Procedure, and the foregoing |
| 7 | Defendant's 18 (Interrogatories to PX) 171 | 7 | stipulations of counsel, there came |
| 8 | Defendant's 19 (Answers to Interrog.) 172 | 8 | before me at the law offices of RAMSEY, |
| 9 | Defendant's 20 (Answers to Production) 174 | 1 | BAXLEY & McDOUGLE, 212 West Troy Street, |
| 10 | Defendant's 21 (Supplemental Answers) 175 | 10 | Dothan, Alabama, 36303, on the 6th day |
| 11 | | 11 | of July 2006, MICHAEL D. JACKSON, |
| 12 | • | 12 | witness in the above cause, for oral |
| 13 | | 13 | examination, whereupon, the following |
| 14 | | 14 | proceedings were had: |
| 15 16 | | 15 | |
| 17 | | 16 | MICHAEL D. JACKSON, |
| 18 | | 17 | Being first duly sworn, was examined |
| 19 | | 18 | and testified as follows: |
| 20 | | 19 | |
| 21 | | 20 | COURT REPORTER: Usual |
| 22 | • | 21 | stipulations? |
| 23 | | 22 | MS. JOHNSON: Yes. |
| | Daga 7 | 23 | MR. NEWMAN: That's fine. |
| 1 , | Page 7 | | Page 9 |
| 1 2 | APPEARANCES | 1 | EXAMINATION BY MS. JOHNSON: |
| 3 | EOD THE DIAMETER (C) | 2 | Q Okay. Mr. Jackson, my name is |
| 4 | FOR THE PLAINTIFF(S): | 3 | Barry Johnson. I'm an attorney with Movie |
| 5 | Mr. Małcolm R. Newman | 4 | Gallery, and I obviously represent Movie |
| 6 | Attorney at Law | 5 | Gallery in this case. I'm going to be asking |
| 7 | 219 W. Crawford Street | 6 | you some questions today. And if you don't |
| 8 | Dothan, Alabama, 36301 | 7 | understand anything that I ask, if you would |
| 9. | Doman, Alabama, 30301 | 8 9 | ask me to restate it, I'll be glad to do |
| 10 | FOR THE DEFENDANT(S): | 10 | that. If you answer it, I'm going to assume |
| 11 | | 11 | you understand the question. Is that fair? A Okay, |
| 12 | Ms. E. Barry Johnson | 12 | |
| 13 | MOVIE GALLERY CORPORATE ATTORNEY | 13 | Q Have you ever given a deposition before? |
| 14 | 900 West Main Street | 14 | A No. |
| 15 | Dothan, Alabama, 36301 | 15 | Q Would you state your full name for |
| 16 | , | 16 | the record? |
| 17 | The state of the s | 17 | A Michael Demonte Jackson, Sr. |
| 18 | | 18 | Q And what's your current address? |
| 19 | | 19 | A 3535 Roberts Avenue, Lot Number 39, |
| 20 | | 20 | Tallahassee, Florida, 32310. |
| 21 | | 21 | Q And how long have you lived at that |
| 22 | | 22 | address? |
| 23 | | 23 | A About three months now. |

| r | | | 3 (Pages 10 to 13) |
|----|---|------|--|
| ł | Page 1 | 10 | Page 12 |
| 1 | Q And where did you live prior to | 1 | Q And where is that? |
| 2 | that? | 2 | A That's in Quincy, Florida. |
| 3 | A Prior to that, it was 2613 | 3 | Q Where did you grow up? |
| 4 | Robindale Drive, Dothan, Alabama, 3630 | 5. 4 | A Quincy, Florida. |
| 5 | Q And how long did you live at that | | Q And is that where your parents are |
| 6 | address? | 6 | now? |
| 7 | A I lived at that address about six | 7 | A Yes. |
| 8 | months, I think. | 8 | Q Okay. Go ahead. After high |
| 9 | Q And prior to that, were you in | 9 | school? |
| 10 | Dothan as well? | 10 | A Got a scholarship to Troy State |
| 11 | A Yes. | 11 | University in Troy, Alabama. Graduated there |
| 12 | Q Okay. Are you currently married? | | with a BA in criminal justice and a minor in |
| 13 | A Yes. | 13 | information systems. |
| 14 | Q All right. And what is your wife's | 14 | Q Is that a four-year program? |
| 15 | full name? | 15 | A It is. |
| 16 | A Tamika, T-A-M-I-K-A, Nicole | 16 | Q And what year did you graduate? |
| 17 | Jackson. | 17 | A 2003. |
| 18 | Q Does she live with you in | 18 | Q What year did you graduate high |
| 19 | Tallahassee? | 19 | school? |
| 20 | A Yes. | 20 | A 2000. |
| 21 | Q Have you had any previous | 21 | Q All right. Any education after |
| 22 | marriages? | 22 | Troy? |
| 23 | A No. | 23 | A No. |
| | Page 1: | L | Page 13 |
| 1 | Q Do you have any children? | 1 | Q Have you ever filed for bankruptcy? |
| 2 | A Yes. | 2 | A No. |
| 3 | Q Can you tell me their names and | 3 | Q Have you ever |
| 4 | ages? | 4 | A I need to. |
| 5 | A Michael Demonte Jackson, Jr.; he's | 5 | Q Go ahead. I'm sorry? |
| 6 | six. All right. And we've got Malachi, | 6 | A I said I need probably need to, |
| 7 | M-A-L-A-C-H-I, Jackson; he's five. And we | 7 | but no. |
| 8 | have Myheir, M-Y-H-E-I-R, Jackson, and he is | 8 | Q Okay. Have you ever been arrested? |
| 9 | six months. | 9 | A No. |
| 10 | Q Okay. Do you have any family | 10 | Q Are you on any medication today |
| 11 | and I'm not talking about your sixth cousin | 11 | that would affect your testimony? |
| 12 | on your mother's side or something like that, | 12 | A No. |
| 13 | but what you would consider close family in | 13 | Q Are you currently employed? |
| 14 | the Dothan, Montgomery, Wiregrass area? | 14 | A Yes. |
| 15 | A No. | 15 | Q Where? |
| 16 | Q Okay. No relatives at all | 16 | A At T. J. Maxx. |
| 17 | A No. | 17 | Q In Tallahassee? |
| 18 | Q that you tell me about your | 18 | A Yes. |
| 19 | education. | 19 | Q Did you move to Tallahassee for |
| 20 | A Graduated in the top ten in high | 20 | that job? |
| 21 | school. | 21 | A Basically. And also with my wife. |
| 22 | Q Of what high school? | 22 | Q Tell me |
| 23 | A James A. Shanks High School. | 23 | A For my wife. For my wife. |

(Pages 14 to 17) Page 14 Page 16 Tell me what that means. 1 I'm eligible for a bonus in six months, but 2 A My wife got a promotion on her job. 2 nothing right now. 3 Q Okay. Where is she employed? 3 Q In six months you're eligible for a 4 A Body Shop. The Body Shop. It's a 4 bonus? 5 female clothing store. 5 A Yes. 6 Q Was she employed with The Body Shop 6 Q And how does that work? 7 in Dothan? 7 A It depends on how good of a job I 8 A Yes. 8 do. I would get an hourly rate increase. 9 Q And was transferred and promoted to 9 Q You would get an increase in your 10 Tailahassee? 10 rate, but would you also get a -- like a lump 11 A Yes. 11 sum bonus? 12 Q Did you have the job at T. J. Maxx 12 A I don't think so. 13 before you moved to Tallahassee or after you 13 Q You're not sure? 14 moved to Tallahassee? 14 A I'm not sure. 15 A After. 15 Who is your supervisor? 16 How long have you been employed Q 16 Ms. Becky Bruntley. She's a 17 with T. J. Maxx? 17 district loss prevention manager. 18 A One month, I think. 18 Q Any other compensation other than 19 Q One month? 19 your rate of pay? Do you have benefits? 20 A Uh-huh. Yes. A month and a half. 20 A I'll be eligible in thirty more 21 Q That's another rule I meant to tell 21 days, I think. 22 you in the beginning. If you'll give a 22 Q For what? 23 verbal response, whatever it is -- yes, no, 23 That will be the health and dental. Page 15 Page 17 1 or whatever your answer is -- instead of 1 Q Does your wife have health and 2 shaking your head because she can't take that 2 dental at Body Shop? 3 down. 3 A Yes. But we don't have it right 4 A Okay. now. We don't have it. 4 5 Okay? And what's your position at Q 5 Q She elected not to take it? 6 T. J. Maxx? 6 Well, she missed the enrollment 7 A Loss prevention detective. 7 period. So the next enrollment maybe 8 Q Loss prevention what? 8 she'll --9 Detective. Α 9 Q And when is that? 10 Q Detective? 10 A I think in August. I think, I'm 11 Α Yeah. 11 not sure, though. 12 Q Okay. And what is your rate of 12 Q This August, '06? 13 pay? 13 A Yes. But I'm not sure. 14 Ten seventy-five. 14 Q And it was her, sort of, mistake 15 Q An hour? 15 that she didn't enroll? There wasn't 16 Α Yes. 16 anything that she wasn't eligible? 17 Q Are you full time? 17 A Right. 18 Α 18 Q She was eligible, but she forgot to 19 Q Are you eligible for any bonuses or 19 enroll? 20 anything like that? 20 A Well, with her promotion, she 21 A Yes. 21 became available (sic) for it, so she 22 Tell me about the bonus structure. 22 wasn't -- it was not like something she could 23 I'm sorry. No, I'm not. I'm not. 23 do right then because she got the promotion.

| 5 (Pages 1 | l8 to | 21) |
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| | <u> </u> | | 5 (Pages 18 to 21) |
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| | Page 1 | В | Page 20 |
| 1 | Q What do you know how much she | 1 | Q And you don't know what it |
| 2 | makes? | 2 | A Yes, ma'am. |
| 3 | A I can estimate. About thirty | 3 | Q What the |
| 4 | thousand a year. | 4 | A Oh, you want my salary? You said |
| 5 | Q Okay. Where were you working | 5 | hourly. You said rate. |
| 6 | before T. J. Maxx? | 6 | • |
| 7 | A Title Max. | 7 | Q Well, whatever you made. Your |
| 8 | | 1 | compensation. |
| 9 | Q And where was that job? | 8 | A Okay. I made twenty-eight thousand |
| 10 | A Here in Dothan, Alabama. | 9 | a year, and I got a three hundred dollar |
| 11 | Q And what was your position there? | 10 | bonus, so it wound up to thirty-one. |
| | A Manager of a Title Bucks location. | 11 | Q You got a three hundred dollar |
| 12 | Q I'm sorry? Say that again. Of | 12 | bonus? |
| 13 | Title? | 13 | A I mean, three hundred a month. |
| 14 | A Bucks, B-U-C-K-S. | 14 | Q Extra? |
| 15 | Q And what's Title Bucks? | 15 | A Extra. |
| 16 | A It's a subsidiary of Title Max. | 16 | Q So you, total, made thirty-one a |
| 17 | Same company, just different names. | 17 | year? |
| 18 | Q And what kind of business is that? | 18 | A Right. |
| 19 | A It's a title pawn institution, | 19 | Q Did you have benefits? |
| 20 | basically. You go there, and you get money | 20 | A No. The company didn't offer. |
| 21 | for your title. | 21 | Q No health insurance? |
| 22 | Q How long were you employed at Title | 22 | A No. |
| 23 | Max? | 23 | Q Did they offer them? |
| | Page 19 | | Page 21 |
| 1 | A From let me see what was it. | 1 | |
| 2 | When did we move? January, February, May | 2 | |
| 3 | so 06 of '05 to 03 of '06. | 3 | Q And why did you leave that job? |
| 4 | | 1 | A To move to Tallahassee. |
| 5 | Q All right. June '05 to March '06? Is that | 4 | Q When did you move to Tallahassee? |
| 6 | A Yes. | 5 | A In January, February March of |
| 7 | | 6 | '06. Of this year. |
| • | Q And what was your position oh, | 7 | Q Were you reprimanded ever at that |
| 8 | you were manager. Who was your supervisor | 8 | job? |
| 9 | there? | 9 | A No. |
| 10 | A Dave David or Dave? Dave | 10 | Q Were you ever given a verbal or |
| 11 | Turner. | 11 | written warning? |
| 12 | Q Turner? | 12 | A No. |
| 13 | A T-U-R-N-E-R. | 13 | Q Were you terminated? |
| 14 | Q And what was his position? | 14 | A No. |
| 15 | A District manager. | 15 | Q Could you be rehired there, to your |
| 16 | Q And what was your rate of pay at | 16 | knowledge? |
| 17 | Title Max? | 17 | A Yes. |
| 18 | A I was on salary there. It might | 18 | Q Did you attempt at all to transfer |
| 19 | have equalled out to thirteen seventy-five, I | 19 | or get a job with Title Max in Tallahassee? |
| 20 | think, an hour. Maybe. I don't know. I was | 20 | A Yes. They don't have any offices |
| 21 | on salary. | 21 | in Tallahassee or in the state of Florida, |
| 22 | Q You were salary? | 22 | period. |
| 23 | A Yeah. | 23 | Q Did you own your home when you were |

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| | | | 6 (Pages 22 to 25 |
|----|---|-----|---|
| | Page 2 | 2 | Page 24 |
| 1 | in Dothan working with Title Max? Did you | 1 | received? |
| 2 | own a home, or did you | 2 | A No, I do not. I cannot remember. |
| 3 | A No. | 3 | Q Was your wife employed while you |
| 4 | Q rent? | 4 | were unemployed? |
| 5 | A Rent. | 5 | A For a short period because we found |
| 6 | Q Have you ever owned a home? | 6 | out she was pregnant. No, no. I'm sorry. |
| 7 | A No. | 7 | She was. She was employed the whole time, I |
| 8 | Q And was your wife employed at The | 8 | think. |
| 9 | Body Shop when you were working at Title Max | ? 9 | Q Did you apply for any jobs other |
| 10 | A Yes. | 10 | than Title Max when you were unemployed? |
| 11 | Q Did you have any friends at Title | 11 | A Uh-huh. |
| 12 | Max? I guess what I'm trying to get at here | 12 | Q Where? And you need to say yes or |
| 13 | is, how did you what prompted you to apply | 13 | no. I'm sorry. |
| 14 | at Title Max? | 14 | A Yes. Rent-A-Center. |
| 15 | A Well, to be honest with you, we | 15 | Q Is that in Dothan? |
| 16 | went there to get a title pawn. And they had | 16 | A I applied online. It was wherever. |
| 17 | an open position, so I applied. | 17 | Q And what happened with that |
| 18 | Q Did you get a title pawn? | 18 | application? |
| 19 | A Yes. | 19 | A I found out it was the hourly |
| 20 | Q And have you paid that off? | 20 | rate was just too low. |
| 21 | A Yes. | 21 | Q Were you offered the job? |
| 22 | Q Where were you employed prior to | 22 | A I think so, Yes. |
| 23 | Title Max? | 23 | Q Any other jobs you applied for? |
| | Page 23 | | Page 25 |
| 1 | A Prior to Title Max, that would be | 1 | A Nationwide Insurance. That was in |
| 2 | Movie Gallery. | 2 | Montgomery. Too long of a travel. |
| 3 | Q And when were you terminated from | 3 | Q Too long a travel? |
| 4 | Movie Gallery? | 4 | A Yes. |
| 5 | A May of '05. | 5 | Q Were you offered a job? |
| 6 | Q All right. And you told me you | 6 | A Yeah. Interview. I it was an |
| 7 | went to work for Title Max in June '05. How | 7 | interview. |
| 8 | long a period, in weeks, were you unemployed? | 8 | Q Do you know what the compensation |
| 9 | A Okay. So it must have been in July | 9 | would have been? |
| 10 | of '05 then. | 10 | A It ranged. That was another |
| 11 | Q What? | 11 | problem. It was a hundred percent |
| 12 | A Because I was unemployed for about | 12 | commission, so |
| 13 | a month at least a month. | 13 | Q What was the hourly rate at |
| 14 | Q Okay. Did you apply for | 14 | Rent-A-Center? |
| 15 | unemployment? | 15 | A I think eight fifty. |
| 16 | A Yes. | 16 | Q Any other jobs you applied for |
| 17 | Q And what happened with that? | 17 | while you were unemployed? |
| 18 | A I received it. | 18 | A Let me see. What else? I think |
| 19 | Q You received unemployment? | 19 | AIG Insurance. |
| 20 | A Yes. | 20 | Q In Dothan? |
| 21 | Q For how long a period? | 21 | A Uh-huh. |
| 22 | A About a month. | 22 | MR. NEWMAN: Yes. |
| 23 | Q Do you recall how much you | 23 | Q Were you offered a job? |

| 7 (Pages | 26 | to | 29) |
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| | | | 7 (Pages 26 to 29) |
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| | Page 2 | 6 | Page 28 |
| 1 | MS. JOHNSON: Go ahead. | 1 | Q You worked full time and went to |
| 2 | A Yes. | 2 | school and worked for Movie Gallery? |
| 3 | MR. NEWMAN: No. I was just | 3 | A It was during the summer, so |
| 4 | telling him to say "yes." | 4 | Q What does that mean? Oh. So you |
| 5 | MS. JOHNSON: Oh, okay. | 5 | weren't in school? |
| 6 | Q (BY MS. JOHNSON) You were offered | 6 | A Right. I wasn't in school. |
| 7 | a job? | 7 | Q So how did you hold a full-time job |
| 8 | A Yes. | 8 | there and work at Movie Gallery? |
| 9 | Q Okay. Who offered you the job? Do | 9 | A I was part time, always, at Movie |
| 10 | you remember his name or her name? | 10 | Gallery. |
| 11 | A No. | 11 | Q What were your hours at K & W? |
| 12 | Q And what job were you offered? | 12 | A Seven seven to five, I think. |
| 13 | A Sales agent, insurance agent. | 13 | Q Seven in the morning to five? |
| 14 | Q And why did you turn that down? | 14 | A Yes. |
| 15 | A Well, eventually it was because I | 15 | Q So did you have the night shift at |
| 16 | got the job with Title Max. | 16 | Movie Gallery? |
| 17 | Q How long a gap was there between | 17 | A Yes. |
| 18 | the time AIG offered you a job and Title Max | 18 | Q What was your rate of pay at K & W, |
| 19 | offered you a job? | 19 | or salary, if it was salary? |
| 20 | A Maybe a week or two. | 20 | A I cannot remember exactly. I can |
| 21 | Q What kind of money did AIG offer | 21 | estimate. Guesstimate, about eleven fifty. |
| 22 | you? | 22 | Q An hour? |
| 23 | A Again, a hundred percent | 23 | A Yes. |
| | Page 27 | | Page 29 |
| 1 | commission. And I think they had, when you | 1 | Q Did you ever receive any verbal or |
| 2 | joined, three or four hundred dollars that | 2 | written warnings or reprimands while you were |
| 3 | they | 3 | there? |
| 4 | Q Like a sign-on bonus? | 4 | A While I was at K & W? Maybe at |
| 5 | A Yes. | 5 | K & W. I don't remember exactly. I can't |
| 6 | Q Did you apply anywhere else while | 6 | remember. |
| 7 | you were unemployed? | 7 | Q Why did you quit that job or did |
| 8 | A No. I think that's it. I cannot | 8 | you quit that job? |
| 9 | remember anything else. | 9 | A Yeah. I quit that job to |
| 10 | Q All right. Prior to Movie Gallery, | 10 | because of school and that's it. Because |
| 11 | did you hold any jobs? | 11 | of school. I was still in college. |
| 12 | A Prior to Movie Gallery? | 12 | Q Any other jobs you've ever held |
| 13 | Q Uh-huh. | 13 | other than what you've already told me today? |
| 14 | A I worked with K & W while working | 14 | A No. I think that's it. |
| 15 | with Movie Gallery, in college. | 15 | Q You think that's it? |
| 16 | Q What is K & W? | 16 | A I'm trying to think of my where |
| 17 | A K & W Recycling. That's a | 17 | all I've worked. No. That's it. |
| 18 | recycling plant in Troy, Alabama. | 18 | Q Okay. Have you ever been |
| 19 | Q What was your position there? | 19 | terminated from any job other than Movie |
| 20 | A Machine operator. It was called an | 20 | Gallery? |
| 21 | extruder, E-X-T-R-U-D-E-R. | 21 | A No. |
| 22 | Q And were you part time? | 22 | Q When you applied for any of the |
| 23 | A Full time. | 23 | jobs that you've held or applied for after |

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8 (Pages 30 to 33)

| _ | | | 8 (Pages 30 to 33 |
|----------------|---|----------|---|
| | Page 3 | 0 | Page 32 |
| 1 | Movie Gallery, including the two you've held | 1, 1 | other people were laid off the same day you |
| 2 | did you tell them, either on the application | 2 | were laid off? |
| 3 | or verbally, that you were terminated from | 3 | A The same day. |
| 4 | Movie Gallery? | 4 | Q Same time period. |
| 5 | A No. Because it was my | 5 | A I don't know. |
| 6 | understanding that I was laid off. | 6 | · Q Okay. You don't know of anyone |
| 7 | Q Okay. So did you tell the people | 7 | else that was laid off during this time |
| 8 | that you applied with that you were laid off? | 8 | period that you were laid off? |
| 9 | A Uh-huh. | 9 | A No. |
| 10 | Q Is that a "yes"? | 10 | Q Okay. You hadn't heard that? |
| 11 | A Yes. | 11 | A What? |
| 12 | Q Did you put that on the | 12 | Q That other people were laid off. |
| 13 | application? And I'm asking you about | 13 | A Maybe weeks or months later I heard |
| 14 | several employers. So if you just if you | 14 | it. But during that time, I did not know. |
| 15 | don't remember, that's fine. But if you | 15 | Q What do you have a personal |
| 16 | specifically remember putting "laid off" on | 16 | belief as to whether you were laid off or |
| 17 | any of the employers' applications, that's | 17 | terminated? |
| 18 | what I'm looking for. | 18 | A Eventually, I believe I was |
| 19 | A On the application let me no. | 19 | terminated. |
| 20 | I probably did not. No. | 20 | Q And why do you believe that? |
| 21 | Q Did they ask you | 21 | A Because I did not sign the document |
| 22 | A No. | 22 | that they handed me. |
| 23 | Q why you left Movie Gallery? | 23 | Q When you told the your the |
| | Page 31 | | Page 33 |
| 1 | A No. | 1 | employers that you applied with that you had |
| 2 | Q So when you told me you said you | 2 | been laid off, at that time, did you believe |
| 3 | were laid off, in what context do you mean? | 3 | you had been laid off or terminated? |
| 4 | A Like in the interview with my | 4 | A Well, I believe I had been laid |
| 5 | whoever did | 5 | off, you know. But no, I didn't sign the |
| 6 | Q You brought it up and said | 6 | document. |
| 7 | A Yeah. | 7 | Q Right. |
| 8 | Q I was laid off from Movie | 8 | A So I really didn't know I was laid |
| 9 10 | Gallery? | 9 | off, terminated, or whatever. But I felt |
| 11 | A Yes. | 10 | like I had been terminated. |
| 12 | Q Is it your understanding you were, | 11 | Q All right. Well, let me get let |
| 13 | in fact, laid off from Movie Gallery? A Well, I don't really understand | 12 | me try to get the time frame straight on this |
| 14 | A Well, I don't really understand that because in talking with my supervisor, | 13 | because I'm a little confused. You |
| 15 | he was like we're going to lay you off, but | 14 15 | believe and correct me if I'm misstating |
| 16 | if you don't sign this, you're going to be | 16 | anything. Okay? |
| 17 | terminated or classified as being terminated. | 17 | You believe you were terminated |
| 18 | So I assumed laid off, but you know what they | 18 | because you wouldn't sign the document? |
| 19 | say about assumptions. | 19 | A Right. |
| 20 | Q Who was the supervisor that told | 20 | Q And that would have been when you were terminated, in May of '05? |
| 21 | you that? | 21 | A Uh-huh. |
| 22 | A Heath Croom. | 22 | Q Okay. So since May of '05, you |
| 23 | Q Was it your understanding that | 23 | have believed that you were terminated |
| the growing of | MEXICAN MARKET CONTRACTOR AND | _ | you were terminated |

9 (Pages 34 to 37)

| _ | | | 9 (Pages 34 to 37 |
|----|---|----|---|
| | Page 3 | 4 | Page 36 |
| 1 | because you didn't sign the documentation in | 1 | believes. |
| 2 | May of '05; correct? | 2 | MS. JOHNSON: Okay. |
| 3 | A As far as Movie Gallery was | 3 | MR. NEWMAN: He believes he did. |
| 4 | concerned, they would say I was probably | 4 | MS. JOHNSON: Well, if you will, |
| 5 | terminated. | 5 | check on that. |
| 6 | Q Okay. And yet, when you applied | 6 | Q (BY MS. JOHNSON) You're under |
| 7 | for jobs, you told the employers you were | 7 | oath. You understand you're under oath? |
| 8 | laid off; is that correct? | 8 | A I believe I did. |
| 9 | A Yeah. Because I didn't know if I | 9 | Q Okay. |
| 10 | had been laid off or was it classified as | 10 | A But I'm not sure. |
| 11 | termination. | 11 | Q All right. Was anybody else |
| 12 | Q Okay. And sitting here today, you | 12 | present at the meeting? |
| 13 | still don't know whether you were laid off or | 13 | A What meeting? |
| 14 | terminated? | 14 | Q The meeting where he asked you to |
| 15 | A I don't know a hundred percent | 15 | sign the severance agreement. |
| 16 | because I have not heard from Movie Gallery. | | A No. |
| 17 | Q Right. | 17 | Q So just the two of you? |
| 18 | A But I feel as though they | 18 | A Yes. |
| 19 | Q Right. | 19 | Q Did he tell you during that meeting |
| 20 | A terminated me, but they could | 20 | that Movie Gallery was downsizing and laying |
| 21 | have classified it as laid off. I don't | 21 | off anyone else besides you? And I'm not |
| 22 | know. | 22 | saying that he mentioned names, but did he |
| 23 | Q And the basis for your belief that | 23 | tell you that we're letting several people |
| | Page 35 | | Page 37 |
| 1 | you were terminated is just you're guessing | 1 | go? |
| 2 | or you're assuming; correct? | 2 | A He may have. I don't remember. |
| 3 | A Right. Because that's what my | 3 | Q What do you remember him telling |
| 4 | supervisor told me: If you don't sign this, | 4 | you in that meeting, other than asking you to |
| 5 | you know, you they're probably going to | 5 | sign a document? |
| 6 | classify you as being terminated. | 6 | A Besides asking me to you mean, |
| 7 | Q All right. And what is it that he | 7 | to sign a document? We had a discussion |
| 8 | asked you to sign? | 8 | which I asked him, you know, do you believe |
| 9 | A Basically, it was a document | 9 | and do you feel like I should be terminated, |
| 10 | stating that I'm going to get three weeks' | 10 | you know, before because I asked him that |
| 11 | worth of severance pay and that I'm not going | 11 | for a reason. And he said no, that I would |
| 12 | to sue Movie Gallery for any blah, blah, | 12 | not have terminated you. |
| 13 | blah, or whatever. I don't know. I can't | 13 | And, also, I discussed why was this |
| 14 | remember it word for word. | 14 | happening. And he was teiling me that my |
| 15 | Q Did you keep a copy of it? | 15 | evaluation was below the company standard or |
| 16 | A I did. | 16 | whatever of two point o, but I pointed out it |
| 17 | Q And did you turn that over to your | 17 | was a two point five, you know. And he just |
| 18 | attorney? | 18 | said, well, you know, I'm just doing what I |
| 19 | A I believe I did. Yes. | 19 | was told, so |
| 20 | MS. JOHNSON: Okay. I have not | 20 | Q Did he tell you who told him to do |
| 21 | seen that, and that's responsive to my | 21 | it? |
| 22 | request. | 22 | A No. I can only assume it, you |
| 23 | MR. NEWMAN: He's saying he | 23 | know, his boss or his boss' boss. |

| | | | | 10 (Pages 38 to 4 | 1 |
|----|---------------------------------------|--|----|---------------------------------------|--------------|
| Ī | | Page 3 | 8 | Page 4 | 0 |
| 1 | Q | You assume that? | 1 | A Right. | |
| 2 | Α | Yeah. | 2 | | |
| 3 | Q | Did he mention any names of | 3 | | |
| 4 | anybo | dy? | 4 | | |
| 5 | Α | No. | 5 | | |
| 6 | Q | Anything else discussed in that | 6 | A Right. | |
| 7 | meetir | ng? | 7 | Q — to customers? | ı |
| 8 | Α | No. Because I was basically just | 8 | A Exactly. | i |
| 9 | wantir | ig to know if he would do it, and no, he | 9 | Q And you were were you part time | ? |
| 10 | wouldı | n't, so | 10 | | |
| 11 | Q | He wouldn't oh, he wouldn't fire | 11 | Q And do you recall who your | ı |
| 12 | you? | | 12 | | ı |
| 13 | Α | He wouldn't fire me. | 13 | A Isaac Randolph. Isaac Randolph, | ı |
| 14 | Q | Okay. | 14 | | |
| 15 | Α | Or lay me off or anything. | 15 | Q What was his title? | |
| 16 | Q | Did you get along with Mr. Croom? | 16 | • | |
| 17 | Α | Yes. | 17 | Q Do you recall your rate of pay? | |
| 18 | Q | What race was he? | 18 | A No. | |
| 19 | Α | He is Caucasian. | 19 | Q And how long did you work in that | 2 |
| 20 | Q | And what was his title at the time? | 20 | position? | |
| 21 | Α | Director of human resources. | 21 | A I was at that position for six | 1 |
| 22 | Q | And who did | 22 | years. | |
| 23 | A | I mean, director of quality | 23 | Q Part time? | |
| | | Page 39 | | Page 41 | |
| 1 | assuran | ce. I'm sorry. | 1 | A Part time, six years. | |
| 2 | | And he was your immediate | 2 | Q In Dothan? | |
| 3 | supervis | | 3 | A Between Quincy and Dothan and Troy. | |
| 4 | · · · · · · · · · · · · · · · · · · · | Yes. | 4 | Q You worked at all of them? | |
| 5 | Q | Who was his supervisor, if you | 5 | A Yes. | |
| 6 | know? | <i>y y</i> | 6 | Q Was Isaac your manager the whole | |
| 7 | Α . | I cannot remember his name. | 7 | time? | |
| 8 | | Was it Phillip Kitchens? | 8 | A No. | 4 |
| 9 | | Yes. | 9 | Q Okay. Tell me the names of your | 200 |
| 10 | Q. | All right. I'm going to go back | 10 | other managers. | 100 |
| 11 | | about when you first applied | 11 | A In Quincy, it was Isaac. Troy — | |
| 12 | | Jh-huh. | 12 | Q What race was Quincy? | 90.00 |
| 13 | Q - | to Movie Gallery. | 13 | A Excuse me? | 122 |
| 14 | | Jh-huh. | 14 | MR. NEWMAN: Quincy? | |
| 15 | | Do you recall what year that was or | 15 | A Quincy? | |
| 16 | | inth and year? | 16 | Q (BY MS. JOHNSON) Oh, I'm sorry. | 7779 |
| 17 | | can remember. The month, not | 17 | Was Quincy Isaac, yeah. I wrote down | 350 × 550 |
| 18 | precisely | | 18 | Quincy. | 200 |
| 19 | • | Okay. | 19 | A Isaac, he's black. | 300 of 50 |
| 20 | _ | out the year was 1998. And it was | 20 | Q All right. And then in Troy, who | Sections |
| 21 | | the work school-to-work program at | 21 | was your | 45.52 |
| 22 | James A. | | 22 | A Valerie Murphy. | Section Con- |
| 23 | Q S | io you were in high school still? | 23 | Q And what was her race? | 1652355 |

(Pages 42 to 45) Page 42 Page 44 Black. Afro-American. 1 When you said that sometimes you 2 0 And where else? What other town? 2 didn't get the ten cent raise, is that 3 Dothan? 3 something --4 A Oh, no. I did not -- I didn't work 4 A I never said I did not get the ten 5 as a CSA. It was corporate in Dothan. 5 cent raise. 6 Q Okay. So the two stores you worked 6 Well, when the company didn't give 7 in were Quincy and Troy? 7 it -- didn't you say on occasion they didn't 8 A Right. 8 always give it? 9 Q Okay. Did you get a promotion 9 A When I said that, I meant that they 10 during that six-year period? And this is 10 did not always do the evaluation deemed 11 before you go to the corporate office. 11 necessary to get the raise. 12 A Uh-huh. 12 Okay. Did that happen to people 13 Q Well, let me back up and get this 13 other than you? 14 clarified. This six-year period you were 14 Α Yes. 15 talking about, were you always a sales --15 Q Okay. It happened across the 16 A Associate, yeah. 16 board? 17 Q Okay. In Quincy or Troy? 17 Α Yes. 18 A Right. 18 Q It wasn't just you? 19 Q All right. Did you get a promotion 19 Right. Α 20 or increase in pay during that time period? 20 All right. And then, after six 21 A Yes. years, you came with the corporate office? 21 22 Q And tell me about that -- when? 22 Α Right. 23 How much? 23 How did that come about? Page 43 Page 45 1 A Well, with Movie Gallery, your rate 1 A Through graduation and getting my 2 of increase would be ten cents as an 2 degree. I asked my store manager, Valerie, 3 associate, and I always received that. It 3 at the time. And she asked her district 4 would be -- they're supposed to do it every 4 manager, Cathy, at the time, and -- about any 5 six months, but it did not always happen that 5 open positions at corporate. And I gave my 6 way. But whenever they did decide to do it, 6 - no. Yeah. She gave me the name of the 7 7 I would get it. And I got a promotion to person to call. 8 MOD. That's like an in-store position. 8 Q Do you recall who that was? 9 Manager on duty, senior CSA. 9 A I think it was -- yeah. Mr. 10 When was that? 10 Kitchens. Yeah. And he gave me -- no. He 11 Α That was when I was in, I think, 11 told me to come by the office and bring my 12 Troy. 12 resume with me, and I did, so -- and he told 13 Q And what -- did you get a raise as 13 me -- any position he had open at that point, 14 well? 14 you know, I'm ready to move on with the 15 Yes. Α 15 company. I've been with the company for a 16 And what -- to what amount? 16 long time. I want to stay with the company. 17 To what? I don't remember the 17 Like it. I want, you know, to grow with the 18 amount. I mean, I know it was at least ten 18 company. And a month -- maybe a month later, 19 cents of whatever I was making. 19 he gave me a call. 20 Q Did anybody else apply for that 20 Q And what did he say in the call? 21 position other than you? 21 A Come in and have an interview with 22 A It's not something -- well, no. I 22 Mr. Heath Croom. 23 don't know. Okay? 23 And did you do that?

12 (Pages 46 to 49)

| depending on how good the company is doing throughout that year. So it would be a percentage of however good or however much that year. So it would be a percentage of however good or however much that year. So it would be a percentage of however good or however much that year. So it would be a percentage of however good or however much that year. So it would be a percentage of however good or however much that year. So it would be a percentage of however good or however much that year. So it would be a percentage of however good or however much that year. So it would be a percentage of however good or however much that year. So it would be a percentage of however good or however much that year. So it would be a percentage of however good or however much that year. So it would be a percentage of however good or however much that year. So it would be a percentage of however good or however much that year. So it would be a percentage of however good or however much that year. So it would be a percentage of however good or however much that year. So it would be a percentage of however good or however much that year. So it would be a percentage of however good or however much that year. So it would be a percentage of however good or however much that year. So it would be a percentage of however good or however much that year. So it would be a percentage of however good or however much that year. So it would be a percentage of however good or however much that year. So it would be a percentage of however good or however much that year. So it would be a percentage of however good or however much that year. So it would be a percentage of however good or however much that year. So what here so whomever or whatever department. Q Did you ever receive a raise in that position? A Yes. Q And when was that? A Yes. Q And when was that? A When? I don't know . I can't remember. Q a Mir ight power and the time you were there in that position when the underental power. A Yes. Q Is the only person you ever receive a bonus? A | | | | -, _ | 12 (Pages 46 to 49 |
|--|-----|----------|--|-----------------|--|
| 2 Q And how long was the interview? 3 A About an hour or so. 4 Q Did you meet with anybody other than Mr. Croom? 5 than Mr. Croom? 6 A For the interview? No. 7 Q Did he offer you a job during the interview? 9 A No. 10 Q When did he offer you a job? 11 A He called me back. Between me calling him and him calling me, somewhere in between there. I don't know exactivy when. 4 Q Do you recall how long after the interview? Was it a couple days, a — 16 A Maybe — 17 Q — month? 18 A — a couple days. 19 Q And what position did he offer you? 20 A Quality assurance auditor. 21 Q Was that a full-time job? 22 A Yes. 23 Q And did it involve an increase in Page 47 1 pay? 2 A Yes. 3 Q All right. Do you recall how much? 4 Did you go to a salaried position? 5 A Yes. Salary. 6 Q All right. Do you recall what it was? 8 A Thirty-two thousand? Okay. Did that include benefits? 11 A Yes. 12 Q Any other compensation, bonus plan or — 14 A Yes. Bonus. Yes. 15 Q How did the bonus plan work? 16 A Sasially through — same as with the stores. Through the evaluation of your card? 16 A Sescall through — same as with the stores. Through the evaluation of your card? 16 A Sescall through — same as with the stores. Through the evaluation of your card? 2 Were you given a corporate credit the tox was the throughout that year. So it would be a percentage of however good or however much they could spare to give to whomever much they could spare to give to whomever much they could spare to give to whomever or whatever department. Q Did you ever receive a raise in that position? 4 A Yes. Q Did you ever receive a raise in that position? 4 A Yes. Q Did you ever receive a bonus? 4 A Yes. Q Did you ever receive a bonus? 4 A Yes. Q How much? 4 A Yes. Q How much? 4 A When? I don't know. I can't remember. Q Is that the only bonus you received in the quality assurance auditor. Q What were your job duties? A Yes. 11 Q Is the only person you ever receive a raise in that position? A Yes. DI you ever receive a bonus? A Yes. Q How much? A When? I don't know. I can't | | | Page 4 | 6 | Page 48 |
| 2 | | Α | Yes. | 1 | depending on how good the company is doing |
| A About an hour or so. Q Did you meet with anybody other than Mr. Croom? A For the interview? No. Q Did he offer you a job during the interview? A No. Q When did he offer you a job? A He called me back. Between me calling him and him calling me, somewhere in between there. I don't know exactly when. A Maybe — A Q — month? A Yes. Q All right. Do you recall how much? A Yes. Q What were your job duties? A Yes | 1 | Ç | And how long was the interview? | 2 | |
| than Mr. Croom? A For the interview? No. Q Did he offer you a job during the interview? A No. Q When did he offer you a job? A He called me back. Between me calling him and him calling me, somewhere in between there. I don't know exactly when. Q Do you recall how long after the interview? Was it a couple days, a — 16 A Maybe — 16 A Maybe — 17 Q — month? 17 A Q Ually assurance auditor. Q Was that a full-time job? 22 A Yes. Q And did it involve an increase in 22 A Yes. Q And did it involve an increase in 34 A Yes. Q All right. Do you recall what it was? A Yes. Q Any other compensation, bonus plan or — 13 A Yes. Q How you were making thirty-two thousand? A Yes. Q How much? A I think that bonus was seven hundred and something bucks. Q And when was that? A When? I don't know. I can't remember. Q Is the only person you ever receive a bonus? A Yes. Q Is the only person you ever receive a bonus? A Yes. Q Is the only person you ever receive a bonus? A Yes. Q Is the tonly person you ever receive a bonus? A Yes. Page 43 Q Is the only person you ever receive a bonus? A Yes. Q Is the only person you ever receive a the time you were terminated, you were making thirty-two thousand? A Yes. Q Is the only person you ever receive a bonus? A Yes. Q What were your job duties? A Yes. Q What were your job duties? A Job duties basically were to go to stores and conduct quality assurance audits, It entailed knowing all the company's procedures, policies, and store requirements based off revence dass. Travel, documentation of all facts found through a report that we sent to the district manager, the director of quality assurance, and also the regional manager. A Yes. Q How did the bonus plan work? A Yes. Q Okay. Did you travel quite a bit? A Yes. | 3 | Α | About an hour or so. | 3 | |
| than Mr. Croom? A For the interview? No. Q Did he offer you a job during the interview? A No. Q When did he offer you a job? A He called me back. Between me calling him and him calling me, somewhere in between there. I don't know exactly when. Q Do you recall how long after the interview? Was it a couple days, a — 16 A Maybe — 16 A Q and what position did he offer you? Q And what position did he offer you? Q And what position did he offer you? Q And did it involve an increase in Page 47 pay? A Yes. Q All right. Do you recall how much? A Yes. Q All right. Do you recall what it was? A Thirty-two thousand? Okay. Did that include benefits? A Yes. Q Any other compensation, bonus plan or — 14 A Yes. Q Any other compensation, bonus plan or — 14 A Yes. Q Any other compensation of your A Residult the stores. Through the evaluation of your A Residult the stores. Through the evaluation of your A Residue of the offer you a job duties? A Yes. Q Did you ever receive a raise in that position? A A raise? No. Q So when — at the time you were terminated, you were making thirty-two thousand? A Yes. Q Did you ever receive a bonus? A Yes. Q Did you ever receive a bonus? A Yes. Q Did you were making thirty-two thousand? A Yes. Q Did you were making thirty-two thousand? A Yes. Q Did you were making thirty-two thousand? A Yes. Q Did you were making thirty-two thousand? A Yes. Q Did you were making thirty-two thousand? A Yes. Q Did you were making thirty-two thousand? A Yes. Q Did you were making thirty-two thousand? A Yes. Q Did you were making thirty-two thousand? A Yes. Q Did you were making thirty-two thousand? A Yes. Q Did you were making thirty-two thousand? A Yes. Q Did you were making thirty-two thousand? A Yes. Q Did you were making thirty-two thousand? A Yes. Q Did you were making thirty-two thousand? A Yes. Q Did you were making thirty-two thousand? A Yes. Q Did you were making thirty-two thousand? A Yes. Q I thith that bonus yew receive a bonus? A Yes. Q I thirty-two t | | Q | Did you meet with anybody other | 4 | |
| 6 | 5 | than | Mr. Croom? | 5 | |
| that position? A No. | 6 | Α | For the interview? No. | 6 | · |
| A No. Q When did he offer you a job? A He called me back. Between me calling him and him calling me, somewhere in between there. I don't know exactly when. Detween there. I don't know exactly when. A Yes. Q Do you recall how long after the interview? Was it a couple days, a — Q — month? A Maybe — Q And what position did he offer you? A Q allity assurance auditor. Q And what position did he offer you? A Yes. Q And did it involve an increase in Page 47 pay? A Yes. Q All right. Do you recall how much? A Yes. Salary. A Yes. Q All right. Do you recall what it A Yes. Q Is the only person you ever received in that position Mr. Croom? A Yes. Q What were your job duties? A Job duties basically were to go to stores and conduct quality assurance audits, Was? A Thirty-two thousand. A Thirty-two thousand. A Yes. A Thirty-two thousand? A Yes. A Thirty-two thousand? A Yes. A Thirty-two thousand? A Yes. A Yes. A Thirty-two thousand? A Yes. A Thirty-two thousand? A Yes. A Thirty-two thousand? A Yes. A Yes. A Thirty-two thousand? A Yes. A Thirty-two thousand? A Yes. A Yes. A Job duties basically were to go to stores and conduct quality assurance audits, LP mess audits. It entailed knowing all the company's procedures, policies, and store requirements based off revenue class. Travel, documentation of all facts found through a report that we sent to the district manager, the director of quality assurance, and also the regional manager. A Yes. A Ye | 7 | Q | Did he offer you a job during the | 7 | |
| Q When did he offer you a job? A He called me back. Between me calling him and him calling me, somewhere in between there. I don't know exactly when. Q Do you recall how long after the interview? Was it a couple days, a A Maybe A Maybe A C A Maybe A C A Maybe A C A Q A Quality assurance auditor. Q Was that a full-time job? A Yes. Q And did it involve an increase in Page 47 pay? A Yes. Q All right. Do you recall how much? A Yes. Q All right. Do you recall what it Was? A Yes. Salary. A Yes. Q All right. Do you recall what it Was? A Thirty-two thousand. Q All right. Do you recall what it A Yes. A Yes. A Yes. A Yes. A Yes. A Yes. C Q How much? A I think that bonus was seven hundred and something bucks. Q And when was that? A When? I don't know. I can't remember. Q Is that the only bonus you received in the quality assurance position? A Yes. Q Is the only person you ever received in that position Mr. Croom? A Yes. Q What were your job duties? A Job duties basically were to go to stores and conduct quality assurance audits, Le ntailed knowing all the company's procedures, policies, and store requirements based off revenue class. Travel, documentation of all facts found through a report that we sent to the district manager, the director of quality assurance, and also the regional manager. A Yes. A Y | 8 | inten | riew? | 8 | A A raise? No. |
| 10 Q When did he offer you a job? 11 A He called me back. Between me 12 calling him and him calling me, somewhere in 13 between there. I don't know exactly when. 14 Q Do you recall how long after the 15 interview? Was it a couple days, a 16 A Maybe 17 Q month? 18 A a couple days. 19 Q And what position did he offer you? 20 A Quality assurance auditor. 21 Q Was that a full-time job? 22 A Yes. 23 Q And did it involve an increase in 24 Pay? 25 A Yes. 26 A Yes. 27 Q All right. Do you recall how much? 28 A Yes. Salary. 29 G All right. Do you recall what it 20 G All right. Do you recall what it 21 A Yes. 22 A Yes. 23 Q All right. Do you recall what it 24 A Yes. 25 A Yes. Salary. 26 G All right. Do you recall what it 27 A Yes. 28 A Thirty-two thousand. 29 Q Thirty-two thousand. 30 Q Thirty-two thousand? 31 A Yes. 31 A Yes. 32 Q Mow there your job duties? 33 A Yes. 34 Q What were your job duties? 35 A Job duties basically were to go to stores and conduct quality assurance audits, LP mess audits. It entailed knowing all the company's procedures, policies, and store requirements based off revenue class. 34 Travel, documentation of all facts found through a report that we sent to the district manager, the director of quality assurance, and also the regional manager. 36 A Yes. Bonus. Yes. 37 Q How much? 38 A I think that bonus was seven hundred and something bucks. 38 Q And when was that? 4 A When? I don't know. I can't remember. 4 Q Is that the only bonus you received in the quality assurance position? 4 A Yes. 9 Q Is the only person you ever receive a bonus? 4 Q What were your job duties? 4 A Yes. 9 Q What were your job duties? 4 A Yes. 9 Q What were your job duties? 4 A Yes. 10 Travel, documentation of all facts found through a report that we sent to the district manager, the director of quality assurance, and also the regional manager. 4 A Yes. 4 A Yes. 9 Q Okay. Did you travel quite a bit? 4 A Yes. 10 Q Ware you given a corporate credit card? | 9 | Α | No. | 9 | Q So when at the time you were |
| 11 | 10 | Q | When did he offer you a job? | 10 | |
| between there. I don't know exactly when. Q Do you recall how long after the interview? Was it a couple days, a 16 A Maybe 17 Q month? 18 A a couple days. 19 Q And what position did he offer you? 20 A Quality assurance auditor. 21 Q Was that a full-time job? 22 A Yes. 23 Q And did it involve an increase in Page 47 pay? A Yes. 24 A Yes. Page 47 Page 47 Page 49 1 pay? A Yes. Q All right. Do you recall how much? A Yes. Salary. Q All right. Do you recall what it was? A Thirty-two thousand. Q All right. Do you recall what it A Yes. alary. Q All right. Do you recall what it A Yes. A Yes. A Yes. A Yes. A Yes. Salary. A Yes. C What were your job duties? A Job duties basically were to go to stores and conduct quality assurance audits, LP mess audits. It entailed knowing all the company's procedures, policies, and store requirements based off revenue class. Travel, documentation of all facts found through a report that we sent to the district manager, the director of quality assurance, and also the regional manager. A Yes. A Yes. Bonus. Yes. A Yes. A Yes. A Yes. A Yes. Basically through same as with the stores. Through the evaluation of your 17 A Yes. A Yes Were you given a corporate credit the testores. Through the evaluation of your | 11 | Α | | 11 | _ , |
| Q Do you recall how long after the interview? Was it a couple days, a | 12 | callin | g him and him calling me, somewhere in | 12 | A Yes. |
| 14 Q Do you recall how long after the interview? Was it a couple days, a 16 A Maybe 17 Q month? 18 A a couple days. 19 Q And what position did he offer you? 20 A Quality assurance auditor. 21 Q Was that a full-time job? 22 A Yes. 23 Q And did it involve an increase in 24 Page 47 25 Page 47 26 A Yes. 27 Page 49 27 Page 49 28 A Yes. 29 A Yes. 20 A Yes. 20 A Yes. 21 Q Is the only person you ever reported to in that position Mr. Croom? 20 A Yes. 21 Q Was that a full-time job? 22 A Yes. 23 Q And did it involve an increase in 24 Page 47 25 Page 49 26 A Yes. 27 Page 49 28 A Yes. 29 Q All right. Do you recall how much? 29 A Yes. Salary. 20 A Yes. Salary. 21 Q What were your job duties? 22 A Yes. 23 Q All right. Do you recall what it 24 What were your job duties? 25 A Job duties basically were to go to stores and conduct quality assurance audits, LP mess audits. It entailed knowing all the company's procedures, policies, and store requirements based off revenue class. 29 Q Thirty-two thousand. 30 Q Thirty-two thousand? Okay. Did that include benefits? 31 A Yes. 32 Q Any other compensation, bonus plan or 33 Or 34 A Yes. Bonus. Yes. 35 Q How did the bonus plan work? 36 A Yes. Bonus. Yes. 37 Q How did the bonus plan work? 38 A Thirty-two thousand? Okay. Did that include benefits? 40 Q How did the bonus plan work? 41 A Yes. Bonus. Yes. 41 A Yes. Bonus. Yes. 42 Q Okay. Did you travel quite a bit? 43 A Yes. 44 Q Okay. Did you travel quite a bit? 45 A Yes. 46 Q Were you given a corporate credit the stores. Through the evaluation of your | 13 | betwe | een there. I don't know exactly when. | 13 | Q Did you ever receive a bonus? |
| A Maybe 17 Q month? 18 A a couple days. 19 Q And what position did he offer you? 20 A Quality assurance auditor. 21 Q Was that a full-time job? 22 A Yes. 23 Q And did it involve an increase in Page 47 1 pay? 2 A Yes. 3 Q All right. Do you recall how much? 4 Did you go to a salaried position? 5 A Yes. Salary. 6 Q All right. Do you recall what it 7 was? 8 A Thirty-two thousand. 9 Q Thirty-two thousand. 9 Q Thirty-two thousand? Okay. Did 10 that include benefits? 11 A Yes. 12 Q Any other compensation, bonus plan or - 14 A Yes. Bonus. Yes. 15 Q How did the bonus plan work? 16 A Basically through same as with 17 the stores. Through the evaluation of your 18 A I think that bonus was seven hundred and something bucks. 18 Q And when was that? 19 A When? I don't know. I can't remember. 20 And when was that? 20 And when was that? 21 Q Is that the only bonus you received in the quality assurance position? 22 A Yes. 23 Q Is the only person you ever reported to in that position Mr. Croom? 4 A Yes. Q What were your job duties? 4 Q What were your job duties? 5 A Job duties basically were to go to stores and conduct quality assurance audits, LP mess audits. It entailed knowing all the company's procedures, policies, and store requirements based off revenue class. 10 Travel, documentation of all facts found through a report that we sent to the district manager, the director of quality assurance, and also the regional manager. 14 A Yes. Bonus. Yes. 15 Q How did the bonus plan work? 16 A Basically through same as with 17 the stores. Through the evaluation of your | 14 | Q | Do you recall how long after the | 14 | |
| 16 A Maybe 17 Q month? 18 A a couple days. 19 Q And what position did he offer you? 20 A Quality assurance auditor. 21 Q Was that a full-time job? 22 A Yes. 23 Q And did it involve an increase in Page 47 Page 47 Page 47 Page 49 1 pay? 2 A Yes. 3 Q All right. Do you recall how much? 4 Did you go to a salaried position? 5 A Yes. Salary. 6 Q All right. Do you recall what it 7 was? 8 A Thirty-two thousand. 9 Q Thirty-two thousand. 9 Q Thirty-two thousand? 10 that include benefits? 11 A Yes. 12 Q Any other compensation, bonus plan or 14 A Yes. Bonus. Yes. 15 Q How did the bonus plan work? 16 A Basically through same as with 16 the stores. Through the evaluation of your 18 A When? I don't know. I can't remember. 20 A When? I don't know. I can't remember. 21 Q Is that the only bonus you received in the quality assurance position? 22 A Yes. 23 Q Is the only person you ever reported to in that position Mr. Croom? 3 A Yes. 4 Q What were your job duties? 4 Q What were your job duties? 4 A Job duties basically were to go to stores and conduct quality assurance audits, LP mess audits. It entailed knowing all the company's procedures, policies, and store requirements based off revenue class. 10 Travel, documentation of all facts found through a report that we sent to the district manager, the director of quality assurance, and also the regional manager. 14 A Yes. Bonus. Yes. 15 Q How did the bonus plan work? 16 A Basically through same as with the stores. Through the evaluation of your 17 | 15 | interv | | 15 | Q How much? |
| 18 A a couple days. 19 Q And what position did he offer you? 20 A Quality assurance auditor. 21 Q Was that a full-time job? 22 A Yes. 23 Q And did it involve an increase in Page 47 Page 47 Page 47 Page 47 Page 49 1 pay? 2 A Yes. 2 Q All right. Do you recall how much? 3 Q All right. Do you recall what it 6 Q All right. Do you recall what it 7 was? 8 A Thirty-two thousand. 9 Q Thirty-two thousand. 9 Q Thirty-two thousand? Okay. Did 1 A Yes. 10 Q Any other compensation, bonus plan or 14 A Yes. Bonus. Yes. 15 Q How did the bonus plan work? 16 A Basically through same as with 17 the stores. Through the evaluation of your | 16 | | | 16 | A I think that bonus was seven |
| 18 | 17 | Q | month? | 17 | hundred and something bucks. |
| 19 Q And what position did he offer you? 20 A Quality assurance auditor. 21 Q Was that a full-time job? 22 A Yes. 23 Q And did it involve an increase in Page 47 Page 47 Page 49 Pa | 18 | Α | a couple days. | 18 | 5 |
| A Quality assurance auditor. Q Was that a full-time job? A Yes. Q Is that the only bonus you received in the quality assurance position? A Yes. Page 47 Page 47 Page 49 19 | Q | And what position did he offer you? | 19 | ~ |
| 22 A Yes. 23 Q And did it involve an increase in Page 47 Page 47 Page 49 1 pay? 2 A Yes. 2 Q Is the only person you ever reported to in that position Mr. Croom? A Yes. Q All right. Do you recall how much? A Yes. Salary. Q What were your job duties? A Yes. Salary. A Thirty-two thousand. A Thirty-two thousand. A Thirty-two thousand? Okay. Did B A Thirty-two thousand? Okay. Did C All right. Do you recall what it A Yes. A Travel, documentation of all facts found through a report that we sent to the district manager, the director of quality assurance, and also the regional manager. A Yes. A Yes. A Yes. A Yes. A Yes. A Yes. A Job duties basically were to go to stores and conduct quality assurance audits, LP mess audits. It entailed knowing all the company's procedures, policies, and store requirements based off revenue class. Travel, documentation of all facts found through a report that we sent to the district manager, the director of quality assurance, and also the regional manager. A Yes. Q Okay. Did you travel quite a bit? A Yes. A Yes. A Yes. Q Were you given a corporate credit card? | 20 | Α | Quality assurance auditor. | 20 | remember. |
| 22 A Yes. Page 47 Page 47 Page 47 Page 47 Page 49 1 pay? A Yes. Page 49 1 pay? A Yes. Q All right. Do you recall how much? Did you go to a salaried position? A Yes. Salary. Q All right. Do you recall what it was? A Thirty-two thousand. Q Thirty-two thousand? Okay. Did A Yes. Q Any other compensation, bonus plan A Yes. Q Any other compensation, bonus plan A Yes. Did You go to a salaried position? A Yes. Salary. A Thirty-two thousand. A Thirty-two thousand. A Yes. Did You go to a salaried position? A Yes. Salary. A Yes. A Thirty-two thousand. B Company's procedures, policies, and store requirements based off revenue class. Travel, documentation of all facts found through a report that we sent to the district manager, the director of quality assurance, and also the regional manager. A Yes. A Yes. Did You go to a salaried position? A Yes. A Job duties basically were to go to stores and conduct quality assurance audits, LP mess audits. It entailed knowing all the company's procedures, policies, and store requirements based off revenue class. Travel, documentation of all facts found through a report that we sent to the district manager, the director of quality assurance, and also the regional manager. Q Okay. Did you travel quite a bit? A Yes. A Yes. Q Were you given a corporate credit card? | 21 | Q | Was that a full-time job? | 21 | Q Is that the only bonus you received |
| Page 47 Page 47 Page 47 Page 49 Pag | 22 | Α | Yes. | 22 | |
| 1 pay? 2 A Yes. 3 Q All right. Do you recall how much? 4 Did you go to a salaried position? 5 A Yes. Salary. 6 Q All right. Do you recall what it 7 was? 8 A Thirty-two thousand. 9 Q Thirty-two thousand? Okay. Did 10 that include benefits? 11 A Yes. 12 Q What were your job duties? 13 A Job duties basically were to go to stores and conduct quality assurance audits, The procedures, policies, and store requirements based off revenue class. 10 Travel, documentation of all facts found through a report that we sent to the district manager, the director of quality assurance, and also the regional manager. 14 A Yes. Bonus. Yes. 15 Q How did the bonus plan work? 16 A Basically through — same as with the stores. Through the evaluation of your 17 card? | 23 | Q | And did it involve an increase in | 23 | · · · · · · · · · · · · · · · · · · · |
| A Yes. Q All right. Do you recall how much? A Yes. Salary. Q All right. Do you recall what it A Yes. Salary. A Thirty-two thousand. Q Thirty-two thousand? Okay. Did A Yes. A Yes. A Yes. A Yes. A Thirty-two thousand. A Yes. A Yes. A Thirty-two thousand. A Yes. A Thirty-two thousand. A Yes. A Yes. A Thirty-two thousand. A Yes. A Thirty-two thousand. A Yes. A Thirty-two thousand. A Yes. A Yes. A Yes. A Yes. A Thirty-two thousand. B Company's procedures, policies, and store requirements based off revenue class. Travel, documentation of all facts found through a report that we sent to the district manager, the director of quality assurance, and also the regional manager. A Yes. | | | Page 47 | | Page 49 |
| 2 reported to in that position Mr. Croom? 3 Q All right. Do you recall how much? 4 Did you go to a salaried position? 5 A Yes. Salary. 6 Q All right. Do you recall what it 7 was? 8 A Thirty-two thousand. 9 Q Thirty-two thousand? Okay. Did 10 that include benefits? 11 A Yes. 12 Q Any other compensation, bonus plan 13 or 14 A Yes. Bonus. Yes. 15 Q How did the bonus plan work? 16 A Basically through same as with 17 the stores. Through the evaluation of your 2 reported to in that position Mr. Croom? A Yes. Q What were your job duties? A Yes. Q What were your job duties? A Yes. Q What were your job duties? A Job duties basically were to go to stores and conduct quality assurance audits, LP mess audits. It entailed knowing all the company's procedures, policies, and store requirements based off revenue class. Travel, documentation of all facts found through a report that we sent to the district manager, the director of quality assurance, and also the regional manager. Q Okay. Did you travel quite a bit? A Yes. Q Were you given a corporate credit card? | . 1 | pay? | | 1 | O Is the only person you ever |
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| A Yes. Salary. A Yes. Salary. A Yes. Salary. A Job duties basically were to go to stores and conduct quality assurance audits, LP mess audits. It entailed knowing all the company's procedures, policies, and store requirements based off revenue class. Travel, documentation of all facts found through a report that we sent to the district manager, the director of quality assurance, and also the regional manager. A Yes. Bonus. Yes. A Yes. Bonus. Yes. A Basically through — same as with the stores. Through the evaluation of your Table What Were your job duties? A Job duties basically were to go to stores and conduct quality assurance audits, LP mess audits. It entailed knowing all the company's procedures, policies, and store requirements based off revenue class. Travel, documentation of all facts found through a report that we sent to the district manager, the director of quality assurance, and also the regional manager. Q Okay. Did you travel quite a bit? A Yes. A Yes. Q Were you given a corporate credit card? | . 3 | Q | All right. Do you recall how much? | 3 | |
| A Yes. Salary. Q All right. Do you recall what it was? A Thirty-two thousand. Q Any other compensation, bonus plan A Yes. Bonus. Yes. Q How did the bonus plan work? A Basically through — same as with A Yes. A Yes. Salary. A Job duties basically were to go to stores and conduct quality assurance audits, LP mess audits. It entailed knowing all the company's procedures, policies, and store requirements based off revenue class. Travel, documentation of all facts found through a report that we sent to the district manager, the director of quality assurance, and also the regional manager. Q Okay. Did you travel quite a bit? A Yes. Q Were you given a corporate credit card? | 4 | Did yo | u go to a salaried position? | 4 | O What were your job duties? |
| 6 Q All right. Do you recall what it 7 was? 8 A Thirty-two thousand. 9 Q Thirty-two thousand? Okay. Did 10 that include benefits? 11 A Yes. 12 Q Any other compensation, bonus plan or 14 A Yes. Bonus. Yes. 15 Q How did the bonus plan work? 16 A Basically through same as with 17 the stores. Through the evaluation of your 18 stores and conduct quality assurance audits, 19 LP mess audits. It entailed knowing all the company's procedures, policies, and store requirements based off revenue class. 10 Travel, documentation of all facts found through a report that we sent to the district manager, the director of quality assurance, and also the regional manager. 14 Q Okay. Did you travel quite a bit? 15 Q How did the bonus plan work? 16 A Basically through same as with 17 the stores. Through the evaluation of your | 5 | Α | Yes. Salary. | 5 | |
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| A Thirty-two thousand. Q Thirty-two thousand? Okay. Did that include benefits? A Yes. Q Any other compensation, bonus plan or A Yes. Bonus. Yes. Q How did the bonus plan work? A Basically through same as with the stores. Through the evaluation of your Company's procedures, policies, and store requirements based off revenue class. Travel, documentation of all facts found through a report that we sent to the district manager, the director of quality assurance, and also the regional manager. Q Okay. Did you travel quite a bit? A Yes. Q Were you given a corporate credit card? | 7 | was? | | 7 | |
| 9 Q Thirty-two thousand? Okay. Did 10 that include benefits? 11 A Yes. 12 Q Any other compensation, bonus plan 13 or 14 A Yes. Bonus. Yes. 15 Q How did the bonus plan work? 16 A Basically through same as with 17 the stores. Through the evaluation of your 19 requirements based off revenue class. 10 Travel, documentation of all facts found 11 through a report that we sent to the district 12 manager, the director of quality assurance, 13 and also the regional manager. 14 Q Okay. Did you travel quite a bit? 15 A Yes. 16 Q Were you given a corporate credit 17 card? | 8 | Α | Thirty-two thousand. | 8 | |
| that include benefits? 10 Travel, documentation of all facts found through a report that we sent to the district manager, the director of quality assurance, and also the regional manager. 14 A Yes. Bonus. Yes. 15 Q How did the bonus plan work? 16 A Basically through same as with the stores. Through the evaluation of your 10 Travel, documentation of all facts found through a report that we sent to the district manager, the director of quality assurance, and also the regional manager. Q Okay. Did you travel quite a bit? A Yes. Q Were you given a corporate credit card? | 9 | Q | | 9 | |
| 11 through a report that we sent to the district 12 Q Any other compensation, bonus plan 13 or 14 A Yes. Bonus. Yes. 15 Q How did the bonus plan work? 16 A Basically through same as with 17 the stores. Through the evaluation of your 11 through a report that we sent to the district 12 manager, the director of quality assurance, 13 and also the regional manager. 14 Q Okay. Did you travel quite a bit? 15 A Yes. 16 Q Were you given a corporate credit 17 card? | 10 | that in | | 10 | |
| 12 | 11 | Α | Yes. | 11 | |
| 13 or 14 A Yes. Bonus. Yes. 15 Q How did the bonus plan work? 16 A Basically through same as with 17 the stores. Through the evaluation of your 13 and also the regional manager. 14 Q Okay. Did you travel quite a bit? 15 A Yes. 16 Q Were you given a corporate credit 17 card? | 12 | Q | Any other compensation, bonus plan | 12 | |
| 14 A Yes. Bonus. Yes. 15 Q How did the bonus plan work? 16 A Basically through same as with 17 the stores. Through the evaluation of your 14 Q Okay. Did you travel quite a bit? 15 A Yes. 16 Q Were you given a corporate credit 17 card? | 13 | or | • • | 13 | |
| 15 Q How did the bonus plan work? 15 A Yes. 16 A Basically through same as with 17 the stores. Through the evaluation of your 17 card? | 14 | Α | Yes. Bonus, Yes. | 1 | - ~ |
| 16 A Basically through same as with 16 Q Were you given a corporate credit 17 the stores. Through the evaluation of your 17 card? | 15 | Q | How did the bonus plan work? | 15 | |
| 17 the stores. Through the evaluation of your 17 card? | 16 | Α | - | 16 | |
| 10 | 17 | the sto | | 1 | |
| ■ I → ♥ I I I I I I I I I I I I I I I I I | 18 | | | 18 | A Yes. |
| Q Did you understand how much you 19 Q To pay for your travel expenses? | 19 | Q | Did you understand how much you | | |
| 20 could receive, maximum amount, in the bonus 20 A Yes. | 20 | could re | | | |
| 21 plan? 21 Q How did that work as far as did | 21 | | , | | |
| A Not quite. Because with Movie 22 the bill go to the company or to you? | 22 | Α | Not quite. Because with Movie | | |
| 02 011 | 23 | Gallery, | | 23 | A To me. |

13 (Pages 50 to 53)

| | | | 13 (Pages 50 to 53 |
|-----|---|----|---|
| f | Page 5 | 0 | Page 52 |
| 1 | Q Okay. And was it your | 1 | but policies that you knew that you were |
| 2 | understanding that you were to get reimbursed | | under an obligation to fulfill or comply |
| 3 | for that and pay off the credit card in a | 3 | with. |
| . 4 | timely fashion? | 4 | A No. |
| 5 | A Yes. | 5 | Q All right. Did you ever apply for |
| 6 | Q And did you do that? | 6 | any other positions while you were employed |
| 7 | A Most of the time. | 7 | with Movie Gallery? |
| 8 | Q Did you ever not do that? | 8 | A Yes. |
| 9 | A Yes. There was an incident where | 9 | Q Tell me about those. |
| 10 | something happened with there at corporate | 10 | A One was for the director of Game |
| 11 | where I did not receive my reimbursement, had | 1 | Zone. |
| 12 | to use my personal funds. And it was all | 12 | Q All right. And was that job |
| 13 | just confusing. | 13 | posted? |
| 14 | Q When you say you didn't receive the | 14 | A Yes. |
| 15 | reimbursement, did you ever receive the | 15 | Q And do you recall when you applied |
| 16 | reimbursement? | 16 | for it? |
| 17 | A Eventually. | 17 | A The exact date? No. |
| 18 | Q Do you have any documentation that | 18 | Q Approximately. |
| 19 | shows that you didn't receive the | 19 | A Around March of '05, |
| 20 | reimbursement in a timely fashion? | 20 | |
| 21 | A No. That would be on my laptop | 21 | Q Did you interview for that position? |
| 22 | because we kept track of all that stuff, | 22 | • |
| 23 | SO | 23 | A No. Q All right. Do you know if anybody |
| | Page 51 | 20 | |
| | | | Page 53 |
| 1 | Q So are you saying that there would | 1 | interviewed for that position? |
| 2 | have been an e-mail message from you to | 2 | A Do I know? No, I don't know. |
| 3 | somebody saying you hadn't been reimbursed? | 3 | Q Do you know if that position was |
| 4 | A No. There would be direct | 4 | filled? |
| 5 | communication between me and Mr. Croom. | 5 | A No. I do not know for sure. |
| 6 | Q That's what I'm asking. About the | 6 | Q Are you aware that that position |
| 7 | fact that you weren't reimbursed? Did you | 7 | the opening for that position was removed and |
| 8 | ever put in writing to anyone, by e-mail or | 8 | it was never filled? |
| 9 | otherwise, that you had not been reimbursed? | 9 | A Was I no. I was never notified |
| 10 | A I can't I don't remember. | 10 | of such. |
| 11 | Q Is that the only time you were late | 11 | Q Any other positions you applied |
| 12 | paying your American Express bill? | 12 | for? |
| 13 | A I believe so. I don't remember. | 13 | A Yeah. Also, with the Game Zone |
| 14 | Q Okay. Would you agree with me that | 14 | department, something with game purchasing. |
| 15 | that would have been a violation of company | 15 | Q You don't recall the position? |
| 16 | policy? | 16 | A I can't recall the exact name of |
| 17 | A That would have been of the Amex. | 17 | it, but I know it was at the Game Zone |
| 18 | Q Corporate policy? | 18 | something with Game Zone. |
| 19 | A Yes. | 19 | Q And when was that? |
| 20 | Q To your knowledge, did you ever | 20 | A That was it would have been |
| 21 | violate any other company policies? | 21 | around November. |
| 22 | A Company policies? | 22 | Q Of what? |
| 23 | Q Or whatever you want to call them, | 23 | A Of '04. January, February, March. |

14 (Pages 54 to 57)

| | | | 14 (Pages 54 to 5/ |
|----|--|-----|---|
| j | Page 5 | 4 | Page 56 |
| 1 | They're fairly close together. | 1 | know I did. |
| 2 | Q All right. Let's go back to | 2 | Q On which one? On both of them? |
| 3 | director of Game Zone. Did you fill out a | 3 | A On both of them. He would have |
| 4 | written application for that? | 4 | told me said yes. |
| 5 | A No. According to the attached | 5 | Q He would have said yes, or you |
| 6 | the e-mail that was posted, I was to inform | 6 | recall him saying yes? |
| 7 | my supervisor, give him my resume. And he | 7 | A I recall him saying yes, I mean. |
| 8 | was the supervisor was supposed to forward | 1 8 | Because if he would have said no, I know I |
| 9 | it on to HR or whomever. | 9 | would have said why didn't you do this or why |
| 10 | Q Do you know whether or not he did | 10 | didn't you what happened with this one, |
| 11 | that? | 11 | what happened with that? |
| 12 | A Do I know? No. | 12 | Q Did you interview for that second |
| 13 | Q Okay. Do you know how much money | 13 | position? |
| 14 | you would have made if you had been hired as | | A No. |
| 15 | director of Game Zone? | 15 | Q Did you ever go to Mr. Croom and |
| 16 | A I cannot remember. I know it was a | 16 | ask why you hadn't heard about these |
| 17 | lot more than what I was making. | 17 | positions? |
| 18 | Q Do you remember how much more, | 18 | A I don't recall doing that. |
| 19 | approximately? | 19 | Q Okay. Do you know how much money |
| 20 | A Approximately five to eight | 20 | you would have made for that second job? And |
| 21 | thousand dollars more. | 21 | I keep calling it "the second job" because |
| 22 | Q Okay. And what did you do to apply | 22 | you don't recall the title of it, the game |
| 23 | for the other position, that you can't | 23 | purchasing. |
| | Page 55 | | Page 57 |
| 1 | remember the name of, for Game Zone? | 1 | A Yeah. |
| 2 | A I also did the same thing. | 2 | Q Do you know how much? |
| 3 | Q Gave your resume? | 3 | A No, I don't. I do not know. |
| 4 | A Gave my resume. | 4 | Q Do you know whether that position |
| 5 | Q To Mr. Croom? | 5 | was ever filled? |
| 6 | A Yes. That's what the attachment | 6 | A I do not know. |
| 7 | that's what all of them say. | 7 | Q Okay. Did you ever apply for any |
| 8 | Q So you saw a written announcement | 8 | other positions while you were at Movie |
| 9 | for that position? | 9 | Gallery? |
| 10 | A Posted on e-mail. | 10 | A Apply? No. |
| 11 | Q On both of them? | 11 | Q Well, what did you mean by there |
| 12 | A Yes. | 12 | was an insinuation in your tone that you |
| 13 | Q And do you know whether Mr. Croom | 13 | might have informally applied. Did you ever |
| 14 | forwarded your resume on for that position? | 14 | informally apply? |
| 15 | A No. | 15 | A You know how you I had had it |
| 16 | Q You don't know? | 16 | out there, you know, like with Mr. Croom, you |
| 17 | A I don't know that he did it. The | 17 | know, and what was his name? Anyway, if |
| 18 | only thing I know is that I gave it to him | 18 | there was other positions closer to home that |
| 19 | and asked him to do it and he said he would. | 19 | I could apply for, just let me know. |
| 20 | And that's all I know. | 20 | Q What do you mean "closer to home"? |
| 21 | Q Okay. Did you ever follow up with | 21 | A Not so much travel. |
| 22 | him to see if he had done that? | 22 | Q Any specific position other than |
| 23 | A I know I probably asked him. I | 23 | those two that you've named? |

15 (Pages 58 to 61)

| | | | 15 (Pages 58 to 61 |
|----|---|---|---|
| | Page 58 | *************************************** | Page 60 |
| 1 | A It would be anything. Anything | 1 | A No. |
| 2 | that would not | 2 | Q What was his relationship to Mr. |
| 3 | Q I know. But my question is, was | 3 | Croom do you know hierarchy-wise? |
| 4 | there any specific position that you were | 4 | A I really don't know because |
| 5 | interested in that you mentioned to Mr. Croom | 5 | hierarchy-wise, Mr. Croom should have been |
| 6 | or anyone else? | 6 | over |
| 7 | A It would be loss prevention | 7 | Q Bo? |
| 8 | manager, anything in the corporate office | 8 | A Bo. He should have been over |
| 9 | there with the security. | 9 | him, so but they communicated as equals, |
| 10 | Q I don't think we're communicating. | 10 | so I don't know. |
| 11 | I know I think what you're trying to tell | 11 | Q Did he have any hiring or firing |
| 12 | me is that you made it clear you would like a | 12 | authority over you, Mr. Collins? |
| 13 | promotion; is that correct? | 13 | A No. |
| 14 | A Yes. I guess. | 14 | Q I'm going to show you what I'm |
| 15 | Q Okay. | 15 | marking as Defendant's Exhibit 1 and ask you |
| 16 | A Well, hold on. Would I like a | 16 | to identify that document. |
| 17 | promotion? Of course, I would always like a | 17 | (WHEREUPON, a document was marked |
| 18 | promotion. | 18 | as Defendant's Exhibit 1 and is attached to |
| 19 | Q Right. | 19 | the original deposition.) |
| 20 | A So what are you asking? | 20 | Q (BY MS. JOHNSON) Do you know what |
| 21 | Q My question is, other than those | 21 | it is? |
| 22 | two specific positions that you knew about, | 22 | A A status change report. |
| 23 | did you ever express interest in any other | 23 | Q Okay. Have you seen this before? |
| | Page 59 | | Page 61 |
| | _ | | |
| 1 | particular position other than, hey, guys, | 1 | A Yes. |
| 2 | you know that I'm looking if there's an | 2 | Q Okay. And is this a document that |
| 3 | opening one day, I'm interested. | 3 | reflects your promotion from senior sales |
| 4 | Other than that, saying that, was | 4 | associate to quality assurance auditor? |
| 5 | there a specific position you said the | 5 | A Yes. |
| 6 | position of blank is open, I would like that | 6 | Q And it shows that as a senior sales |
| 7 | job, I'm interested in that job? | 7 | associate, you had been making five forty an |
| 8 | A No. It was just | 8 | hour, and as quality assurance auditor, you |
| 9 | Q Just those two? | 9 | were making thirty-two thousand dollars a |
| 10 | A Right. That I went for and applied | 10 | year; is that correct? |
| 11 | for. | 11 | A Yes. |
| 12 | Q All right. A minute ago you said | 12 | Q Okay. And that is, in fact, |
| 13 | you talked with someone else other than Mr. | 13 | accurate information as to your compensation; |
| 14 | Croom about your desire to be promoted. Who | 14 | correct? |
| 15 | do you recall who that was? | 15 | A Yes. |
| 16 | A I was trying to remember. The only | 16 | Q And it shows that this occurred in |
| 17 | thing I remember is Bo. | 17 | May of '04? |
| 18 | Q Bo Collins? | 18 | A Uh-huh. |
| 19 | A Yes. | 19 | Q All right. And is signed by Mr. |
| 20 | Q And what was his title? | 20 | Croom? |
| 21 | A LP manager. Loss prevention | 21 | · A Where? |
| 22 | manager or something like that. | 22 | Q Up there, it says "initiator." |
| 23 | Q Was he a supervisor of yours? | 23 | A All right. |

16 (Pages 62 to 65) Page 62 Page 64 Do you recognize that signature? 1 Α Yes. 2 Α Uh-huh. 2 Q All right. And it's dated 3 Okay. And he showed you this at 3 August 16th, '04; is that correct? 4 the time? 4 A Uh-huh. 5 A Right. 5 Q You need to say yes or no. 6 Q Okay. And this document also notes A Yes. I'm sorry. 6 7 that you're eligible for the bonus plan; is 7 Q And do you recall receiving the 8 that accurate? At the bottom. 8 Movie Gallery code of business conduct and 9 A Where at the bottom? 9 ethics? 10 Q Last -- last sentence on the 10 A Yes. 11 document. 11 And did you read it as you agreed 12 A Awe. Yeah. You mean the 12 to do on this document? 13 handwriting. Okay. 13 Α Yes. 14 Q Is that your handwriting? 14 All right. And did you understand 15 A The first line is my handwriting. 15 that if you violated it, you were subject to 16 Q What first line? Brundidge? 16 being fired or disciplined? 17 Brundidge --17 A Yes. 18 A Yes. 18 Q All right. And you also understood 19 Q -- Street? 19 that you could ask the general counsel at 20 A Yes. Eight, two thousand -- yeah. 20 Movie Gallery any questions that you had 21 23rd South Brundidge Street. 21 regarding the code of ethics; is that 22 Q All right. This is a little bit 22 correct? 23 off topic, but is that your correct Social 23 A Yes. Page 63 Page 65 1 Security Number on there, 590-24-6306? 1 Q Do you know who the general counsel 2 A Uh-huh. 2 was at that time? 3 Q And is that your correct date of 3 Α No. 4 birth, 11/13/1981? 4 Q If I tell you it was Todd, does 5 A 11/13/1981, yes. 5 that refresh your recollection? 6 6 Q Let me show you what I'm marking as No. Α 7 7 Defendant's Exhibit 2. Q Did you know Mr. Todd? 8 (WHEREUPON, a document was marked 8 Α 9 as Defendant's Exhibit 2 and is attached to 9 Q Did you ever ask the legal 10 the original deposition.) 10 department any questions about anything --11 Q (BY MS. JOHNSON) Can you identify 11 Α 12 this document for me? 12 Q -- when you were employed there? 13 A Okay, 13 Α 14 Q All right. What is it? 14 Q Do you still have a copy of the 15 A Movie Gallery code of business 15 business conduct and ethics --16 conduct and ethics. 16 17 Q Well, it's actually your 17 All right. What did you do with Q 18 acknowledgment --18 it? 19 A All right. 19 A I lost it with -- between the 20 Q -- of receiving that; is that 20 moves, somewhere. 21 correct? 21 Q Did you ever receive an employee 22 A Uh-huh. 22 handbook when you were working for Movie 23 Is that your signature? 23 Gallery either as a sales associate or in the

17 (Pages 66 to 69)

| | | | | 17 (Pages 66 to 69 |
|-----|-----------|---|-----|---|
| | | Page 66 | 5 | Page 68 |
| 1 | corpo | rate department? | 1 | A I would have had no problem. |
| 2 | A | | 2 | Q Okay. Did you ever complain to Mr. |
| 3 | Q | Do you still have a copy of that? | 3 | Croom about discrimination at Movie Gallery? |
| 4 | Ā | • • • | 4 | A No. |
| 5 | Q | Did you read it? | 5 | (WHEREUPON, a document was marked |
| -6 | A | Yes. As a sales associate. | 6 | as Defendant's Exhibit 3 and is attached to |
| 7 | Q | Did you understand well, let me | 7 | the original deposition.) |
| 8 | - | up. Were you aware that, and are you | 8 | Q (BY MS. JOHNSON) I want to show |
| 9 | | that, Movie Gallery has a policy | 9 | you what's been marked as Defendant's Exhibit |
| 10 | | st discrimination of any kind? | 10 | Have you ever seen this document before? |
| 11 | | Yes. | 111 | A Yes. |
| 12 | Q | Okay. Was that in the employee | 12 | Q Okay. And what is it? |
| 13 | handb | | 13 | A The equal employment opportunity. |
| 14 | A | Yes. | 14 | Q Is this Movie Gallery's policy on |
| 15 | Q | Okay. Did you understand what you | 15 | equal employment opportunity? And take as |
| 16 | - | supposed to do if you felt like you had | 16 | much time as you want to review it. |
| 17 | | discriminated against? | 17 | A This is not what I remember seeing |
| 18 | A | Yes. | 18 | in the handbook, but |
| 19 | Q | And what was that? | 19 | Q But you've seen this document |
| 20 | Ą | Basically, get a lawyer. | 20 | before? Well, a minute ago you said you had. |
| 21 | Ô | Did you understand that you were to | 21 | And that's okay if you're changing your |
| 2.2 | • | it internally to someone if you felt | 22 | testimony. I just need to understand what it |
| 23 | | u had been discriminated against? | 23 | is. |
| | , , , | Page 67 | | Page 69 |
| 1 | А | Yes. | 1 | A Equal employment? I remember in |
| 2 | Q | And who were you to report it to? | 2 | the handbook there was maybe one or two |
| 3 | Ā | It would be your direct supervisor. | 3 | pages. |
| 4 | Q | Okay. | 4 | Q On their policy against |
| 5 | Ã | And, you know, it would go from | 5 | discrimination? |
| 6 | there. | , , , | 6 | A Discrimination. Equal employment |
| 7 | Q | In that case in your case, it | 7 | opportunity. |
| 8 | would I | nave been Mr. Croom? | 8 | Q Okay. Well, take a minute to look |
| 9 | Α | Mr. Croom. | 9 | at this paragraph, and tell me if the policy |
| 10 | Q | Okay. Did you ever feel like Mr. | 10 | you recall seeing differed in any substantial |
| 11 | _ | discriminated against you? | 11 | way with what you see here. |
| 12 | Α | Mr. Croom? | 12 | A Ask that question again. I'm |
| 13 | Q | Yes. | 13 | sorry. |
| 14 | _ | No. Not Mr. Croom. | 14 | Q If you'll take a minute to read |
| 15 | Q | So if you felt like you had been | 15 | this first paragraph under the heading "equal |
| 16 | _ | nated against, you would have had no | 16 | employment opportunity" and tell me whether |
| 17 | | reporting it to him; correct? | 17 | it differs in any substantial way from what |
| 18 | | Mr. Croom? | 18 | you recall reading in the employee handbook. |
| 19 | Q | Yes. | 19 | A Okay. The very first paragraph? |
| 20 | _ | Yes. | 20 | Q Right. |
| 21 | | You we need to clarify that for | 21 | A No. |
| 22 | | ord. You would have had no problem. | 22 | Q So you don't recall anything in the |
| 23 | Is that a | accurate? | 23 | handbook that differed substantially from |

18 (Pages 70 to 73)

| this document? A That differed? No. Q Okay. A It's the rest of the document that I didn't Q That you don't recognize? A Yeah. Q And when you say "the rest of the document," you mean the other headings that have nothing to do with the EEO; is that correct? The immigration, the conflicts of interest A Right. A Right. A Right. A Correct. Q You need to say A Yes. Q Did you attempt to get scratch that. Let me re-ask it. Did you talk with and I'm not interested in the substance of your conversations, but did you talk to any other attorneys, other than Mr. Newman, abou bringing yes. Q Okay. And who who were they? What attorneys? A About bringing yes. Q Okay. And who who were they? What attorneys? A I cannot remember, honestly. I just know where they're located. Q Where are they located? A In the break room? A In the break room? A No. Not in the break room. At the corporate office, the policy against discrimination being posted? A In the break room? A No. Not in the break room. At the corporate office, but it was required for the stores, so A I A No. Not in the break room. At the corporate office, but it was required for the stores, so A I don't remember seeing a poster. A No. I'm not interested in the substance of your conversations, but did you talk with and I'm not interested in the substance of your conversations, but did you talk to any other attorneys, other than Mr. Newman, abou bringing a lawsuit against Movie Gallery? A About bringing yes. Q Okay. And who who were they? What attorneys? A I cannot remember, honestly. I just know where they're located. Q Where are they located? A They're here in town, Dothan. Q How many? A Just one. It's right down the street as a matter of fact. Q Okay. And you don't recall his name. Q Does he practice by himself or with a firm? A I think it's his firm. Q And did you talk with him before you met with Mr. Newman or after? A Very briefly before. Q And tell me why you chose not to use him as an at | _ | | | 18 (Pages 70 to 73 |
|---|----|---|----|---|
| 2 A That differed? No. 3 Q Okay. 4 A It's the rest of the document that 5 I didn't 5 Q That you don't recognize? 6 A Yes. 7 A Yeah. 8 Q And when you say "the rest of the document," you mean the other headings that 10 have nothing to do with the EEO; is that correct? The immigration, the conflicts of interest 13 A Right. 13 A Right. 13 A Right. 14 Q et cetera? 14 Q et cetera? 15 A Correct. 16 Q You need to say 16 Gallery in the break room or elsewhere in the building, in the corporate office, the policy 21 against discrimination being posted? 22 A In the break room? 23 Q Yes. Or anywhere. Page 71 A No. Not in the break room. At the corporate office, but it was required for the stores, so 4 Q Okay. So if there was one, you're not disagreeing that there was one, you're not disagreeing that there was one, you're not disagreeing that there was one? 9 A No. I'm not disagreeing. Correct. 10 Q Q fi you need a break at any time, 11 just let me know. I saw you looking at your 11 look at the corporate office, in the properse office, corporate office, que point of the street as a matter of fact. Q Ohay. And you don't recall his name. Q Does he practice by himself or with a firm? A I think it's his firm. 10 look at the ware puired for the stores, so 3 Q Okay. So if there was one, you're not disagreeing that there was one? 9 A No. I'm not disagreeing. Correct. 15 A Correct. 15 A A Both the preak room At the corporate office, due to the preak room At the corporate office, but it was required for the stores, so 3 Q Does he practice by himself or with a firm? A I think it's his firm. 15 Q And did you talk with him before you met with Mr. Newman or after? 16 A Very briefly before. Q And tell me why you chose not to use him as an attorney. A A Acutually, we were just going to him | | Page 70 | | Page 72 |
| A That differed? No. Q Okay. A It's the rest of the document that I didn't Q That you don't recognize? A Yeah. Q And when you say "the rest of the document," you mean the other headings that have nothing to do with the EEO; is that correct? The immigration, the conflicts of interest A Right. A Right. A Right. A Correct. Q Poid you attempt to get scratch that. Let me re-ask it. Did you talk with and I'm not interested in the substance of your conversations, but did you talk to any other attorneys, other than Mr. Newman, abou bringing a lawsuit against Movie Gallery? A A Correct. A Correct. D Did you ever notice, also, at Movie Gallery in the break room or elsewhere in the building, in the corporate office, the policy against discrimination being posted? A In the break room? A No. Not in the break room. At the corporate office, but it was required for the stores, so A No. Not in the break room. At the corporate office, but it was required for the stores, so A I don't remember seeing a poster. A No. Not in the break room, you're not disagreeing that there was one, you're not disagreeing that there was one, you're not disagreeing that there was one, you're not disagreeing that there was one you re him as an attorney. A A Correct. D Wint a sample of the document that that it's his firm. A No. I'm not interested in the substance of your conversations, but did you talk with and I'm not interested in the substance of your conversations, but did you talk to any other attorneys, other than Mr. Newman, abou other attorneys, other than Mr. Newman, abou other attorneys, other than Mr. Newman, abou other attorneys, other than Mr. Newman, and the corporate office, the policy and attorneys, other than Mr. Newman, abou other attorneys, other than Mr. Newman, abou oth | 1 | this document? | 1 | out by yourself, or did you have assistance? |
| 4 A It's the rest of the document that 5 I didn't 6 Q That you don't recognize? 7 A Yeah. 8 Q And when you say "the rest of the 9 document," you mean the other headings that 10 have nothing to do with the EEO; is that 11 correct? The immigration, the conflicts of 12 interest 13 A Right. 14 Q et cetera? 15 A Correct. 16 Q You need to say 17 A Yes. 18 Q Did you attempt to get scratch 19 that. Let me re-ask it. Did you talk with 10 worder attorneys, other than Mr. Newman, abou 11 bringing a lawsuit against Movie Gallery? 12 A About bringing yes. 13 Q Okay. And who who were they? 14 What attorneys? 15 A Correct. 16 Q You need to say 17 A Yes. 18 Q Did you ever notice, also, at Movie 19 Gallery in the break room or elsewhere in the 10 building, in the corporate office, the policy 10 against discrimination being posted? 21 against discrimination being posted? 22 A In the break room? 23 Q Yes. Or anywhere. 24 A No. Not in the break room. At the 25 corporate office, but it was required for the 26 stores, so 27 Q Okay. So if there was one, you're 28 not disagreeing that there was one, 29 A No. I'm not disagreeing. Correct. 10 Q If you attempt to get scratch 10 that. Let me re-ask it. Did you attempt to get scratch 10 that. Let me re-ask it. Did you attempt to get scratch 10 that. Let me re-ask it. Did you attempt to get scratch 10 that. Let me re-ask it. Did you attempt to get scratch 10 that. Let me re-ask it. Did you attempt to get scratch 10 that. Let me re-ask it. Did you attempt to get scratch 10 that. Let me re-ask it. Did you attempt to get scratch 10 A Yes. 9 A A Bout bringing yes. 9 A I cannot remember, honestly. I 11 just kenow where they're located. 12 Q Where are they located? 13 A I cannot remember, honestly. I 14 A I cannot remember, honestly. I 15 A I cannot remember, honestly. I 16 A I cannot remember, honestly. I 17 A They're here in town, Dothan. 18 Q Okay. And you don't recall his 19 A I cannot recall his name. 20 Q okay. And was that Movie Galler | 2 | A That differed? No. | 2 | · · · · · · · · · · · · · · · · · · · |
| 4 A It's the rest of the document that 5 I didn't 6 Q That you don't recognize? 7 A Yeah. 8 Q And when you say "the rest of the document," you mean the other headings that have nothing to do with the EEO; is that correct? The immigration, the conflicts of interest 10 A Right. 10 A Right. 11 A Right. 12 A Right. 13 A Right. 14 Q et cetera? 15 A Correct. 16 Q You need to say 17 A Yes. 18 Q Did you ever notice, also, at Movie Gallery in the break room or elsewhere in the building, in the corporate office, the policy against discrimination being posted? 21 A In the break room? 22 A No. Not in the break room. At the corporate office, but it was required for the stores, so 4 Q What at the corporate office, did you ever see a poster? 5 A No. I'm not disagreeing that there was one, you're not disagreeing that there was one? 10 Q If you need a break at any time, just let me know. I saw you looking at your 4 A Yes. 5 Q And was that Malcolm Newman? 6 A Yes. 6 A Yes. 7 Q Did you attempt to get scratch that. Let me re-ask it. Did you talk to any you rooversations, but did you talk to any your conversations, but different e-ask it. Did you talk to any your conversations, but differen | 3 | Q Okay. | 3 | Q With your attorney? |
| I didn't Q That you don't recognize? A Yeah. Q And when you say "the rest of the document," you mean the other headings that have nothing to do with the EEO; is that correct? The immigration, the conflicts of interest A Right. A Right. A Right. C et cetera? A Yes. Q Okay. And who who were they? A Correct. A Yes. Q Okay. And who who were they? What attorneys? A I cannot remember, honestly. I just know where they're located. Q Where are they located? A In the break room or elsewhere in the building, in the corporate office, the policy against discrimination being posted? A In the break room? A No. Not in the break room. At the corporate office, but it was required for the stores, so A I don't remember seeing a poster. Q Okay. So if there was one, you're not disagreeing that there was one? A No. I'm not disagreeing. C And was that Malcolm Newman? A Yes. Q Did you attempt to get scratch that tet me re-ask it. Did you talk with ith the substance of your conversations, but did you talk to any other attorneys, other than Mr. Newman, abou bringing a lawsuit against Movie Gallery? A About bringing yes. A About bringing yes. A Loannot remember, honestly. I just know where they're located? A They're here in town, Dothan. Q How many? A I cannot recall his name. A I cannot recall his | 4 | A It's the rest of the document that | 4 | • • • |
| 6 Q That you don't recognize? 7 A Yeah. 8 Q And when you say "the rest of the document," you mean the other headings that have nothing to do with the EEO; is that correct? The immigration, the conflicts of interest 13 A Right. 14 Q et cetera? 15 A Correct. 16 Q You need to say 17 A Yes. 18 Q Did you attempt to get scratch that. Let me re-ask it. Did you talk with the EEO; is that to any other attorneys, other than Mr. Newman, abou bringing a lawsuit against Movie Gallery? 14 A About bringing yes. 15 A Correct. 16 Q You need to say 17 A Yes. 18 Q Did you ever notice, also, at Movie Gallery in the break room or elsewhere in the building, in the corporate office, the policy against discrimination being posted? 21 a In the break room? 22 A In the break room? 23 Q Yes. Or anywhere. Page 71 1 A No. Not in the break room. At the corporate office, but it was required for the stores, so 4 Q What at the corporate office, did you ever see a poster? 4 Q What at the corporate office, did you ever see a poster? 5 did you ever see a poster? 6 A I don't remember seeing a poster. 7 Q Okay. So if there was one, you're not disagreeing that there was one? 9 A No. I'm not disagreeing. Correct. 10 Q If you need a break at any time, just let me know. I saw you looking at your | 5 | | 5 | O And was that Malcolm Newman? |
| that. Let me re-ask it. Did you talk with document," you mean the other headings that have nothing to do with the EEO; is that correct? The immigration, the conflicts of interest inte | 6 | Q That you don't recognize? | 6 | - |
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| document," you mean the other headings that have nothing to do with the EEO; is that correct? The immigration, the conflicts of interest | 8 | Q And when you say "the rest of the | 8 | |
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| 12 interest 13 | 11 | | 11 | |
| A Right. 14 Q et cetera? 15 A Correct. 16 Q You need to say 17 A Yes. 18 Q Did you ever notice, also, at Movie 19 Gallery in the break room or elsewhere in the 20 building, in the corporate office, the policy 21 against discrimination being posted? 22 A In the break room? 23 Q Yes. Or anywhere. Page 71 A No. Not in the break room. At the 2 corporate office, but it was required for the 3 stores, so 4 Q What at the corporate office, 4 I don't remember seeing a poster. A I don't remember seeing a poster. Q Okay. So if there was one, you're not disagreeing that there was one? A No. I'm not disagreeing. Correct. Q If you need a break at any time, 10 Q If you need a break at any time, 11 just know where they're located. Q What attorneys? A I cannot remember, honestly. I just know where they're located. Q What attorneys? A I cannot remember, honestly. I just know where they're located. Q What attorneys? A I cannot remember, honestly. I just know where they're located. Q Whare are they located. Q Where are they located. P A They're here in town, Dothan. Q How many? A Just one. It's right down the street as a matter of fact. Q Okay. And you don't recall his Page 73 A I cannot recall his name. Page 73 A I cannot recall his name. A I think it's his firm. Q And did you talk with him before you met with Mr. Newman or after? A Very briefly before. Q And tell me why you chose not to use him as an attorney. A Actually, we were just going to him | 12 | interest: | 12 | |
| 14 Q Okay. And who who were they? 15 A Correct. 16 Q You need to say 17 A Yes. 18 Q Did you ever notice, also, at Movie 19 Gallery in the break room or elsewhere in the 20 building, in the corporate office, the policy 21 against discrimination being posted? 22 A In the break room? 23 Q Yes. Or anywhere. Page 71 A No. Not in the break room. At the 2 corporate office, but it was required for the 3 stores, so 4 Q What at the corporate office, 5 did you ever see a poster? A I don't remember seeing a poster. Q Okay. And who who were they? 16 A I cannot remember, honestly. I 17 just know where they're located. Q Where are they located? A They're here in town, Dothan. Q How many? 21 A Just one. It's right down the 22 street as a matter of fact. Q Okay. And you don't recall his Page 73 Page 73 A I cannot recall his name. 2 A I cannot recall his name. 3 Q Does he practice by himself or with a firm? 5 A I think it's his firm. Q And did you talk with him before you met with Mr. Newman or after? A Very briefly before. Q And tell me why you chose not to use him as an attorney. A Actually, we were just going to him | 13 | A Right. | 13 | |
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| 17 A Yes. 18 Q Did you ever notice, also, at Movie 19 Gallery in the break room or elsewhere in the 20 building, in the corporate office, the policy 21 against discrimination being posted? 22 A In the break room? 23 Q Yes. Or anywhere. Page 71 A No. Not in the break room. At the 2 corporate office, but it was required for the 3 stores, so 4 Q What at the corporate office, 4 I don't remember seeing a poster. 5 did you ever see a poster? 6 A I don't remember seeing a poster. 7 Q Okay. So if there was one, you're 8 not disagreeing that there was one? 9 A No. I'm not disagreeing. Correct. 10 Q If you need a break at any time, 11 just let me know. I saw you looking at your 17 just know where they're located. 18 Q Where are they located? 19 A They're here in town, Dothan. 20 Q How many? 21 A Just one. It's right down the 22 street as a matter of fact. 22 Q Okay. And you don't recall his Page 73 1 name? 2 A I cannot recall his name. 3 Q Does he practice by himself or with a firm? 4 a firm? 5 A I think it's his firm. 6 Q And did you talk with him before 7 you met with Mr. Newman or after? 8 A Very briefly before. 9 Q And tell me why you chose not to 10 use him as an attorney. 11 A Actually, we were just going to him | 16 | Q You need to say | 16 | • |
| Q Did you ever notice, also, at Movie Gallery in the break room or elsewhere in the building, in the corporate office, the policy against discrimination being posted? A In the break room? Q Yes. Or anywhere. Page 71 A No. Not in the break room. At the corporate office, but it was required for the stores, so did you ever see a poster? A I don't remember seeing a poster. Q Okay. So if there was one? A No. I'm not disagreeing. Correct. Q If you need a break at any time, I just let me know. I saw you looking at your Page 71 Q Where are they located? A They're here in town, Dothan. Q How many? A Just one. It's right down the street as a matter of fact. Q Okay. And you don't recall his name? A I cannot recall his name. A I cannot recall his name. A I think it's his firm. A I think it's his firm. Q And did you talk with him before you met with Mr. Newman or after? A Very briefly before. Q And tell me why you chose not to use him as an attorney. A Actually, we were just going to him | 17 | A Yes. | 17 | |
| Gallery in the break room or elsewhere in the building, in the corporate office, the policy against discrimination being posted? A In the break room? Q How many? A Just one. It's right down the street as a matter of fact. Q Yes. Or anywhere. Page 71 A No. Not in the break room. At the corporate office, but it was required for the stores, so Q What at the corporate office, did you ever see a poster? A I don't remember seeing a poster. Q Okay. And you don't recall his name. A I don't remember seeing a poster. Q Okay. And you don't recall his name. A I cannot recall his name. A I think it's his firm. A I think it's his firm. A I don't remember seeing a poster. Q Okay. So if there was one, you're not disagreeing that there was one? A No. I'm not disagreeing. Correct. Q If you need a break at any time, just let me know. I saw you looking at your A They're here in town, Dothan. Q How many? A Just one. It's right down the street as a matter of fact. Q Okay. And you don't recall his name. A I cannot recall his name. A I cannot recall his name. A I think it's his firm. A I think it's his firm. Q And did you talk with him before you met with Mr. Newman or after? A Very briefly before. Q And tell me why you chose not to use him as an attorney. A Actually, we were just going to him | 18 | Q Did you ever notice, also, at Movie | 18 | • |
| building, in the corporate office, the policy against discrimination being posted? A In the break room? Q Yes. Or anywhere. Page 71 A No. Not in the break room. At the corporate office, but it was required for the stores, so Q What at the corporate office, did you ever see a poster? A I don't remember seeing a poster. Q Okay. So if there was one, you're not disagreeing that there was one? A No. I'm not disagreeing. Correct. Q If you need a break at any time, 1 just let me know. I saw you looking at your A Just one. It's right down the street as a matter of fact. Q Okay. And you don't recall his name? A I cannot recall his name. A I think it's his firm. Q And did you talk with him before you met with Mr. Newman or after? A Very briefly before. Q And tell me why you chose not to use him as an attorney. A Actually, we were just going to him | 19 | | 19 | • |
| 21 against discrimination being posted? 22 A In the break room? 23 Q Yes. Or anywhere. 24 Page 71 25 A No. Not in the break room. At the corporate office, but it was required for the stores, so 4 Q What at the corporate office, did you ever see a poster? 5 did you ever see a poster? 6 A I don't remember seeing a poster. 7 Q Okay. So if there was one, you're not disagreeing that there was one? 9 A No. I'm not disagreeing. Correct. 10 Q If you need a break at any time, just let me know. I saw you looking at your 21 A Just one. It's right down the street as a matter of fact. 22 Street as a matter of fact. 23 Q Okay. And you don't recall his name. 1 name? 2 A I cannot recall his name. 3 Q Does he practice by himself or with a firm? 4 a firm? 5 A I think it's his firm. 6 Q And did you talk with him before you met with Mr. Newman or after? 7 you met with Mr. Newman or after? 8 A Very briefly before. 9 Q And tell me why you chose not to use him as an attorney. 10 Use him as an attorney. 11 A Just one. It's right down the street as a matter of fact. 2 Okay. And you don't recall his Page 73 A I cannot recall his name. 4 A I cannot recall his name. 6 Q And did you talk with him before you met with Mr. Newman or after? 9 A Very briefly before. 9 Q And tell me why you chose not to use him as an attorney. 10 Use him as an attorney. 11 A No. I'm not disagreeing to him | 20 | building, in the corporate office, the policy | 20 | • |
| 22 street as a matter of fact. 23 Q Yes. Or anywhere. 24 page 71 25 page 71 26 A No. Not in the break room. At the 2 corporate office, but it was required for the 3 stores, so 3 Q Does he practice by himself or with 4 Q What at the corporate office, did you ever see a poster? 26 A I don't remember seeing a poster. 27 Q Okay. So if there was one, you're 8 not disagreeing that there was one? 28 street as a matter of fact. Q Okay. And you don't recall his name. 19 A I cannot recall his name. 20 Does he practice by himself or with 4 a firm? 21 A I think it's his firm. 22 A I think it's his firm. 23 Q Does he practice by himself or with 4 a firm? 24 A I think it's his firm. 25 A I think it's his firm. 26 Q And did you talk with him before 4 you met with Mr. Newman or after? 27 A Very briefly before. 28 A Very briefly before. 29 Q And tell me why you chose not to 4 use him as an attorney. 20 If you need a break at any time, 10 use him as an attorney. 26 A A Catually, we were just going to him | 21 | | 21 | - , |
| Page 71 A No. Not in the break room. At the corporate office, but it was required for the stores, so Q What at the corporate office, did you ever see a poster? A I don't remember seeing a poster. Q Okay. So if there was one, you're not disagreeing that there was one? A No. I'm not disagreeing. Correct. Q If you need a break at any time, just let me know. I saw you looking at your Page 73 Page 73 A I cannot recall his name. A I don't remember. A I think it's his firm. A A Very briefly before. A Very briefly before. A Very briefly before. A A Actually, we were just going to him | 22 | A In the break room? | 22 | |
| Page 71 A No. Not in the break room. At the corporate office, but it was required for the stores, so Q What at the corporate office, did you ever see a poster? A I don't remember seeing a poster. Q Okay. So if there was one, you're not disagreeing that there was one? A No. I'm not disagreeing. Correct. Q If you need a break at any time, just let me know. I saw you looking at your Page 73 A I cannot recall his name. A I cannot recall his name. A I cannot recall his name. A I think it's his firm. Q And did you talk with him before you met with Mr. Newman or after? A Very briefly before. Q And tell me why you chose not to use him as an attorney. A Actually, we were just going to him | 23 | Q Yes. Or anywhere. | 23 | Q Okay. And you don't recall his |
| 2 corporate office, but it was required for the 3 stores, so 4 Q What at the corporate office, 5 did you ever see a poster? 6 A I don't remember seeing a poster. 7 Q Okay. So if there was one, you're 8 not disagreeing that there was one? 9 A No. I'm not disagreeing. Correct. 10 Q If you need a break at any time, 11 just let me know. I saw you looking at your 2 A I cannot recall his name. 3 Q Does he practice by himself or with 4 a firm? 5 A I think it's his firm. 6 Q And did you talk with him before 7 you met with Mr. Newman or after? 8 A Very briefly before. 9 Q And tell me why you chose not to 10 use him as an attorney. 11 A Actually, we were just going to him | | Page 71 | | Page 73 |
| 2 corporate office, but it was required for the 3 stores, so 4 Q What at the corporate office, 5 did you ever see a poster? 6 A I don't remember seeing a poster. 7 Q Okay. So if there was one, you're 8 not disagreeing that there was one? 9 A No. I'm not disagreeing. Correct. 10 Q If you need a break at any time, 11 just let me know. I saw you looking at your 3 Q Does he practice by himself or with 4 a firm? 5 A I think it's his firm. 6 Q And did you talk with him before 7 you met with Mr. Newman or after? 8 A Very briefly before. 9 Q And tell me why you chose not to 10 use him as an attorney. 11 A Actually, we were just going to him | 1 | A No. Not in the break room. At the | 1 | name? |
| 3 Q Does he practice by himself or with 4 Q What — at the corporate office, 5 did you ever see a poster? 6 A I don't remember seeing a poster. 7 Q Okay. So if there was one, you're 8 not disagreeing that there was one? 9 A No. I'm not disagreeing. Correct. 10 Q If you need a break at any time, 11 just let me know. I saw you looking at your 3 Q Does he practice by himself or with 4 a firm? 5 A I think it's his firm. 6 Q And did you talk with him before 7 you met with Mr. Newman or after? 8 A Very briefly before. 9 Q And tell me why you chose not to 10 use him as an attorney. 11 A Actually, we were just going to him | 2 | | ľ | 1 |
| 4 Q What at the corporate office, 5 did you ever see a poster? 6 A I don't remember seeing a poster. 7 Q Okay. So if there was one, you're 8 not disagreeing that there was one? 9 A No. I'm not disagreeing. Correct. 10 Q If you need a break at any time, 11 just let me know. I saw you looking at your 4 a firm? 5 A I think it's his firm. 6 Q And did you talk with him before 7 you met with Mr. Newman or after? 8 A Very briefly before. 9 Q And tell me why you chose not to 10 use him as an attorney. 11 A Actually, we were just going to him | 3 | | i | |
| 5 did you ever see a poster? 6 A I don't remember seeing a poster. 7 Q Okay. So if there was one, you're 8 not disagreeing that there was one? 9 A No. I'm not disagreeing. Correct. 10 Q If you need a break at any time, 11 just let me know. I saw you looking at your 5 A I think it's his firm. 6 Q And did you talk with him before 7 you met with Mr. Newman or after? 8 A Very briefly before. 9 Q And tell me why you chose not to 10 use him as an attorney. 11 A Actually, we were just going to him | 4 | • | F | - , , , |
| 6 A I don't remember seeing a poster. 7 Q Okay. So if there was one, you're 8 not disagreeing that there was one? 9 A No. I'm not disagreeing. Correct. 10 Q If you need a break at any time, 11 just let me know. I saw you looking at your 6 Q And did you talk with him before 7 you met with Mr. Newman or after? 8 A Very briefly before. 9 Q And tell me why you chose not to 10 use him as an attorney. 11 A Actually, we were just going to him | 5 | | 5 | |
| 7 you met with Mr. Newman or after? 8 not disagreeing that there was one? 9 A No. I'm not disagreeing. Correct. 10 Q If you need a break at any time, 11 just let me know. I saw you looking at your 7 you met with Mr. Newman or after? 8 A Very briefly before. 9 Q And tell me why you chose not to 10 use him as an attorney. 11 A Actually, we were just going to him | 6 | · | 6 | |
| not disagreeing that there was one? A No. I'm not disagreeing. Correct. Q If you need a break at any time, just let me know. I saw you looking at your A Very briefly before. Q And tell me why you chose not to use him as an attorney. A Actually, we were just going to him | 7 | | 7 | |
| 9 A No. I'm not disagreeing. Correct. 10 Q If you need a break at any time, 11 just let me know. I saw you looking at your 9 Q And tell me why you chose not to 10 use him as an attorney. 11 A Actually, we were just going to him | 8 | · · | 8 | • |
| 10 Q If you need a break at any time, 10 use him as an attorney. 11 just let me know. I saw you looking at your 11 A Actually, we were just going to him | 9 | | 9 | |
| 11 just let me know. I saw you looking at your 11 A Actually, we were just going to him | 10 | | 10 | |
| - · , , , , , , , , , , , , , , , , , , | 11 | | | • |
| ■ ±2 watch. 1±2 to see who in town handles this type of case | 12 | watch. | 12 | to see who in town handles this type of case, |
| 13 (WHEREUPON, a document was marked 13 and he pointed us to | 13 | (WHEREUPON, a document was marked | | |
| 14 as Defendant's Exhibit 4 and is attached to 14 Q He referred you to Mr. Newman? | 14 | | | · |
| 15 the original deposition.) 15 A Yes. | 15 | | | |
| Q (BY MS. JOHNSON) I'm going to show 16 Q Did he refuse to take the case | 16 | • • • | | |
| you what I'm marking as Defendant's Exhibit 17 himself? | 17 | | | - |
| 18 4. Can you tell me what this document is? 18 A No. | 18 | _ | | |
| 19 A Charge of discrimination. 19 Q Is the information contained in the | 19 | | | |
| 20 Q Is that your signature at the 20 charge of discrimination accurate to the best | 20 | _ | | |
| 21 bottom? 21 of your knowledge? | 21 | | | |
| 22 A Yes. 22 A Yes. | 22 | ł | | |
| Q All right. And did you fill this Q Okay. Did you consult with Mr. | 23 | Q All right. And did you fill this | | |

19 (Pages 74 to 77)

| | | | 19 (Pages 74 to 77 |
|-----|---|----|--|
| | Page 74 | 1 | Page 76 |
| 1 | Newman or the this other attorney that you | 1 | A Because he was CEO. He controls |
| 2 | can't remember the name of before you were | 2 | the cutoff point of first of all, I was |
| 3 | fired or after, the first time? | 3 | told, also, that it was something that came |
| 4 | A After. | 4 | straight from Joe, the whole layoff |
| 5 | Q Did you ever consult with any | 5 | situation, through mister my conversations |
| 6 | attorney about suing Movie Gallery before you | 6 | with Mr. Croom. |
| 7 | were fired? | 7 | Q Okay. But that's a different |
| 8 | A No. | 8 | question. Mr. Croom told you that Joe |
| 9 | Q Does this document reflect your | 9 | Malugen made the decision for the layoffs? |
| 10 | recollection as to when you applied for the | 10 | A Right. |
| 11 | position of director of Game Zone/Trade Zone? | 1 | Q Okay. This document, Defendant's |
| 12 | A Approx yes. Close enough. | 12 | Exhibit 4, states, does it not, that you |
| 13 | Q You think this date is accurate, | 13 | · · · · · · · · · · · · · · · · · · · |
| 14 | March 23 of 2005? | 14 | believe Joe Malugen also changed the cutoff |
| 15 | A I believe so. I'm not sure. | 15 | score to justify his decision to fire you? A Yes. |
| 16 | Q Okay. And you say that in this | 16 | |
| 17 | document, you say that you were entitled to | 17 | Q Is that accurate? A Yes. |
| 18 | at least an interview, but you were not given | 18 | |
| 19 | an interview. | 19 | Q Okay. What makes you believe |
| 20 | Do you know if anybody was | 20 | what's the basis for your belief |
| 21 | interviewed? | 21 | A The direct correlation for him |
| 22 | A No. I do not know if anyone was | 22 | setting the two point o cutoff, whereas mine |
| 23 | interviewed. | 23 | is the two point five. My evaluation is a |
| 4.5 | | 23 | two point five, and I'm still getting laid |
| | Page 75 | | Page 77 |
| 1 | Q You later down further down | 1 | off, fired. |
| 2 | in the paragraph, you say that the CEO | 2 | Q Did anyone ever tell you that it |
| 3 | changed the cutoff score to justify his | 3 | was Joe Malugen's decision to change the |
| 4 | decision to fire me. | 4 | cutoff score? |
| 5 | Who are you talking about there? | 5 | A No. They wouldn't tell me that. |
| 6 | A The CEO of Movie Gallery. | 6 | Q All right. Did anyone tell you it |
| 7 | Q Yes. What's his name? | 7 | was Joe Malugen's decision to fire you, fire |
| 8 | A His name is Joe Malugen. | 8 | you in particular? |
| 9 | Q Okay. And what led you to believe | 9 | A To fire me in particular? Well, |
| 10 | that Joe Malugen had changed the cutoff score | 10 | that question just deductive reasoning, |
| 11 | for you? | 11 | yeah. It's Joe Malugen that |
| 12 | A Because I was told it was two | 12 | Q I'm not asking about deductive |
| 13 | point o at one point, and then later on it | 13 | reasoning. I'm asking you did anyone tell |
| 14 | became two point five, I believe. | 14 | you |
| 15 | Q What became two point five? | 15 | A No. No one told me directly. |
| 16 | A The cutoff point. | 16 | Q Okay. So is it fair to say that |
| 17 | Q Okay. My question is, though | 17 | you assumed the statement in here about |
| 18 | you state here that you believe it was Joe | 18 | the CEO changing the cutoff score to justify |
| 19 | Malugen who did who made that change; | 19 | his decision to fire you is an assumption? |
| 20 | correct? | 20 | A Yes. |
| 21 | A Yes. | 21 | Q The next sentence you say, I'm |
| 22 | Q Okay. And why do you believe it | 22 | African-American, and I believe my race was a |
| 23 | was Joe? | 23 | contributing reason for the company's |

20 (Pages 78 to 81)

| _ | | | 20 (Pages /8 to 81 |
|-----------------|---|----|---|
| 1 | Page 78 | 3 | Page 80 |
| 1 | decision to not interview me and force my | 1 | A The whole United States, Canada, |
| 2 | resignation. What's the basis for that | 2 | and Mexico. |
| 3 | belief, that it was your race? | 3 | Q The whole United States was your |
| 4 | A That I — I've been with the | 4 | district? |
| 5 | company for six years or seven if you | 5 | A Yeah. We had no district. It was |
| 6 | count the time at the corporate office. And | 6 | wherever we wherever. |
| 7 | I have yet, throughout my whole travels | 7 | Q Okay. But all right. Do you |
| 8 | throughout the United States and everywhere | 8 | know how many district managers Movie Gallery |
| . 9 | else that I've never met, number one, a | 9 | has? |
| 10 | black district manager. Okay? I've never | 10 | A How many? |
| 11 | seen a black VP. Okay? I've never and | 11 | Q Uh-huh. |
| 12 | minimum, black store managers at that point. | 12 | A No. I do not know the exact |
| 13 | It just seems as though there is a problem | 13 | number. |
| 14 | with non-whites or black people or Mexicans, | 14 | Q Approximately. I mean, is it ten, |
| 15 | anybody. | 15 | fifteen, a hundred, two hundred? |
| 16 | Q You said "it seems." Again, are | 16 | A Well, let's see. It has to be over |
| 17 | you saying that you're assuming that it's | 17 | over a hundred and fifty. |
| 18 | race related? | 18 | Q Over a hundred and fifty? |
| 19 | A Yes. | 19 | A Yes. Throughout the whole United |
| 20 | Q Okay. Anybody ever tell you it's | 20 | States. |
| 21 | race related? | 21 | Q Okay. And you met with about five |
| 22 | A No. | 22 | of them? |
| 23 | Q Okay. Have you ever seen any | 23 | A Yeah. |
| | Page 79 | | Page 81 |
| 1 | • | 1 | |
| 2 | documents or any evidence at all, other than | 1 | Q Okay. And those five of the |
| 3 | your assumption, that it has to do with race? | 2 | hundred and fifty were not black? |
| 4 | A Well, the evidence would be me | 3 | A Right. |
| 5 | looking out in the corporate office and | 4 | Q And you don't know whether any |
| 6 | seeing a bunch of white people around. | 5 | African-American or non-whites applied for |
| 7 | Q Other than that. Do you have any | 6 | the positions for these five district |
| | evidence at all, other than your assumption | 7 | managers you met with, do you? |
| 8 | and your observations, that it's race | 8 | A Do I know that? |
| 9 10 | related? | 9 | Q Uh-huh. |
| $\frac{10}{11}$ | A No. | 10 | A No. |
| .12 | Q You said that the managers were | 11 | Q Do you know of any position where a |
| 13 | non-white managers were limited. You | 12 | black employee applied for a management |
| | reported in fact, the only two managers | 13 | position and a white got it? |
| 14 15 | you ever had were black, were they not? | 14 | A The only thing that comes into mind |
| 16 | A Uh-huh. | 15 | now it is true that I did not apply for |
| | Q You need to say yes or no. | 16 | the position myself, but just within our |
| 17 | A Yes. | 17 | the LP office there, it was myself and |
| 18 | Q And you say you never saw a black | 18 | Anthony Love. He was a Caucasian coworker of |
| 19 | district manager. How many district managers | 19 | mine that we were working out of Dothan. |
| 20 | did you meet with? | 20 | Okay? |
| 21 | A At least five. At least. | 21 | As you as I stated earlier, it |
| 22 | Q How many what was your district? | 22 | was put out there that I wanted a position, |
| 23 | What was the territory? | 23 | you know, with less travel and everything, |

21 (Pages 82 to 85)

| _ | · · · · · · · · · · · · · · · · · · · | | 21 (Pages 82 to 85 |
|-----|---|----|--|
| | Page 82 | 2 | Page 84 |
| 1 | but there was an LP position that came | 1 | remember it being posted, but I cannot say |
| 2 | open. Now, knowing that I wanted the you | 2 | that it wasn't posted. |
| 3 | know, to be closer to home or whatever, it | 3 | Q Do you know who made the decision |
| 4 | was told to me by Anthony Love that they | 4 | to offer Anthony that job? |
| 5 | offered him the position, so to speak, or | 5 | A His direct contact it was Bo |
| 6 | they asked him, well, what you think you | 6 | Collins, so I mean |
| 7 | want this position or whatever, you know. | 7 | Q Do you believe he was offered that |
| . 8 | And knowing that I wanted to be closer to | 8 | position because he was white? |
| 9 | home, you know. And they didn't ask me. You | 9 | A Yes. |
| 10 | know what I'm saying? | 10 | Q And what's the basis of your |
| 11 | Q Okay. Do you know what the name of | 11 | belief? |
| 12 | the position was? | 12 | A That he was white. I mean |
| 13 | A Loss prevention manager. | 13 | Q Any other reason other than you're |
| 14 | Q Same position you had? Same title | 14 | assuming it was because he was white? |
| 15 | you had? | 15 | A And he was close friends with Mr. |
| 16 | A I'm sorry? | 16 | Collins. |
| 17 | Q Was it the same title that you | 17 | Q Do you know what he was making? |
| 18 | already had? | 18 | A No, I do not. |
| 19 | A No. Different. | 19 | Q Do you know whether he made more or |
| 20 | Q Different. Was it a promotion or | 20 | less than you? |
| 21 | same level? | 21 | A I don't know. I can only assume we |
| 22 | A Basically the same level. | 22 | were making the same because we were in the |
| 23 | Q So it wouldn't have involved an | 23 | same position. |
| | Page 83 | | Page 85 |
| 1 | increase in pay? | 1 | Q Any other positions that you know |
| 2 | A I don't think. I don't know. | 2 | of and you admit that you did not apply |
| 3 | Q Okay. Did he take the position? | 3 | for that position; correct? |
| 4 | A I think he did. I'm not sure. I | 4 | A Right. |
| 5 | don't know. | 5 | Q All right. Do you know of any |
| 6 | Q Do you know whether he applied for | 6 | positions at Movie Gallery where you applied |
| 7 | the position? | 7 | or any other African-American employee |
| 8 | A No. He did not apply. I remember | 8 | applied and a white employee got the |
| 9 | him telling me he didn't even apply for the | 9 | position? |
| 10 | position. | 10 | A I cannot remember right now, no. |
| 11 | Q Did you complain to anybody about | 11 | Q I'm going to show you what I'm |
| 12 | that? | 12 | marking as Defendant's Exhibit 5 and ask you |
| 13 | A Jokingly, I may I may have asked | 13 | if you recognize that document. |
| 14 | Bo, you know, like what's up with that, you | 14 | (WHEREUPON, a document was marked |
| 15 | know. But | 15 | as Defendant's Exhibit 5 and is attached to |
| 16 | Q You're not sure? | 16 | the original deposition.) |
| 17 | A No. I'm not sure. | 17 | A Do I recognize this? |
| 18 | Q Okay. And do you recall, if you | 18 | Q Uh-huh. |
| 19 | did say that, what Bo's response was? | 19 | A No. |
| 20 | A No. I don't remember what his | 20 | Q You've never seen that before? |
| 21 | response was. No. It was jokingly. No. | 21 | A I don't remember. |
| 22 | Q Was the position posted? | 22 | Q Okay. Do you know what it is, |
| 23 | A I don't remember. I cannot | 23 | looking at it today? |

| | | | 22 (Pages 86 to 89 |
|-----|--|----|--|
| | Page 8 | 6 | Page 88 |
| 1 | A Yes. | 1 | A Yes. |
| 2 | Q Okay. And what is it? | 2 | Q And what is it? |
| . 3 | A It's Equal Employment Commission | 3 | A This is a complaint. |
| 4 | dismissal and notice of rights. | 4 | Q Is this your complaint in this |
| 5 | Q And what does that mean to you? | 5 | case? |
| 6 | A That this basically it's saying | 6 | A Yes. |
| 7 | that EEO is closing the file, and the reason | 7 | Q And did you see it have you seen |
| 8 | is the EEO issues the following | 8 | it prior to today? |
| 9 | determination. | 9 | A Yes. |
| 10 | Q Is it your understanding that the | 10 | Q Okay. Did you review it before it |
| 11 | EEO dismissed your charge and issued you a | 11 | was filed with the Court? |
| 12 | notice of right to sue? | 12 | A Did I review it? |
| 13 | A Say that again. | 13 | Q Uh-huh. |
| 14 | Q Is it your understanding that the | 14 | A I don't remember. |
| 15 | EEOC you know, the charge Defendant's | 15 | Q Well, could you review it at this |
| 16 | Exhibit is that 3? Look and see what | 16 | time and tell me whether the information |
| 17 | that's marked as. | 17 | contained in here is accurate to the best of |
| 18 | A Four. | 18 | your knowledge? |
| 19 | Q Defendant's Exhibit 4. That's your | 19 | A (Witness complies.) Yes. |
| 20 | charge. Was dismissed by the EEOC? | 20 | Q Okay. Look at paragraph seven on |
| 21 | A Uh-huh. | 21 | page two. Do you see that? |
| 22 | Q You need to say yes or no. | 22 | A Uh-huh. |
| 23 | A Yes. | 23 | Q It says, contrary to its custom, |
| 1 | Page 87 | | Page 89 |
| 1 | Q Okay. And that's what this | 1 | defendant refused to interview plaintiff for |
| 2 | document is telling you; is that right? | 2 | said position. |
| 3 | A Yes. That is what this is telling | 3 | A Uh-huh. |
| 4 | me. | 4 | Q A minute ago, I believe you told |
| 5 | Q All right. And that occurred in, | 5 | me correct me if I'm wrong that you |
| 6 | approximately, October 7th, '05; is that | 6 | applied for the position and you were not |
| 7 | correct? | 7 | interviewed; is that right? |
| 8 | A Yes. Date mailed. | 8 | A That's right. |
| 9 | Q All right. | 9 | Q All right. Did anyone refuse to |
| 10 | MS. JOHNSON: We've been going an | 10 | interview you? |
| 11 | hour and five minutes. Can we take a two | 11 | A Through no. |
| 12 | minute break? | 12 | Q Do you know if anybody interviewed |
| 13 | MR. NEWMAN: Sure. | 13 | for that position? |
| 14 | (11:06 a.m.) | 14 | A I don't know that. No. |
| 15 | (WHEREUPON, a break was taken.) | 15 | Q Did you ever go to anyone and say I |
| 16 | (11:09 a.m.) | 16 | want to be interviewed and they said no, |
| 17 | Q (BY MS. JOHNSON) Mr. Jackson, I'm | 17 | we're not going to interview you? |
| 18 | going to show you what I'm marking as | 18 | A No. |
| 19 | Defendant's Exhibit 6. I'm going to ask you | 19 | Q Paragraph eight, this was the |
| 20 | if you recognize this document. | 20 | second time plaintiff had applied for a |
| 21 | (WHEREUPON, a document was marked | 21 | management position and was completely |
| 22 | as Defendant's Exhibit 6 and is attached to | 22 | rebuffed by defendant. |
| 23 | the original deposition.) | 23 | A Uh-huh. |

23 (Pages 90 to 93)

| _ | | | 23 (Pages 90 to 93 |
|----|---|----|---|
| | Page 90 | | Page 92 |
| 1 | Q Are you talking about the other | 1 | MS. JOHNSON: Okay. I don't have |
| 2 | position you can't remember the name of? | 2 | those either. |
| 3 | A Yes. | 3 | MR. NEWMAN: Well, let me just go |
| 4 | Q All right. And, again, you didn't | 4 | ahead and say on the record, I've turned over |
| 5 | interview for that position either, did you? | 5 | everything I have from him. And I think what |
| 6 | A No. | 6 | he's getting confused about is letting me see |
| 7 | Q But you don't know if anybody else | 7 | things, but not letting me keep things. |
| 8 | interviewed for that position; correct? | 8 | MS. JOHNSON: It doesn't matter if |
| 9 | A No. I don't know. | 9 | he only lets you see them. |
| 10 | Q Okay. So when you say were | 10 | MR. NEWMAN: Well |
| 11 | "completely rebuffed by defendant," you don't | 11 | |
| 12 | know if other people were rebuffed to use | 12 | MS. JOHNSON: He's under an |
| 13 | your terminology as well; correct? | 13 | obligation to produce that to me through you. |
| 14 | A Uh-huh. Correct. | 14 | MR. NEWMAN: That is his |
| 15 | | ì | obligation, but I want you to understand that |
| 16 | Q For all you know, a white person | 15 | I don't have them. |
| 17 | could have applied and not received that | 16 | MS. JOHNSON: Okay. |
| 18 | position or interview as well; isn't that | 17 | MR. NEWMAN: And I will get back |
| 19 | true? | 18 | with him and say you need to give me |
| 20 | A Anyone. | 19 | everything. |
| Į. | Q Anyone. Okay. Paragraph nine, on | 20 | MS. JOHNSON: Right. I mean, you |
| 21 | April 15th, plaintiff was constructively | 21 | understand you have an obligation to get it |
| 22 | terminated after he exposed the defendant's | 22 | from him. It's not just that you |
| 23 | bogus evaluation that had noted him | 23 | MR. NEWMAN: I have an obligation |
| | Page 91 | | Page 93 |
| 1 | unqualified for continued employment. | 1 | to tell him he has to give it to me. |
| 2 | Tell me what you mean by that | 2 | MS. JOHNSON: Right, Okay. |
| 3 | paragraph. | 3 | A All right. Well, I don't have |
| 4 | A In relation to the evaluation that | 4 | those. They're in my personnel records, and |
| 5 | I was told led to my dismissal or layoff or | 5 | I don't have them. |
| 6 | whatever. Basically, the evaluation I got | 6 | Q Okay. Well, a minute ago you said |
| 7 | for my bonus said one thing for me, you know, | 7 | you thought you did and you gave them |
| 8 | to get my bonus of seven hundred and some odd | 8 | A Yeah. I thought I |
| 9 | dollars, whereas this evaluation here came | 9 | Q Okay. |
| 10 | maybe I don't know. It was a short term. | 10 | A That's what I thought happened. |
| 11 | A couple of months maybe. And it had a two | 11 | Q Okay. |
| 12 | point five accumulated score, and the two | 12 | A If I'm wrong, then I'm wrong. |
| 13 | conflicted with each other, you know. And | 13 | Q Tell me about the conversation |
| 14 | that's why I said the evaluation. And it | 14 | well, scratch that. You said that I think |
| 15 | deemed me unqualified for continued | 15 | you said you had a conversation with Mr. |
| 16 | employment based off the cutoff rate or | 16 | Croom about the conflicting evaluations; is |
| 17 | cutoff point that I was told. | 17 | that accurate? |
| 18 | Q All right. And did you keep copies | 18 | A No. |
| 19 | of those two evaluations that conflicted? | 19 | Q You did not? |
| 20 | A I believe I did. Yes. | 20 | A No. |
| 21 | Q Did you turn them over to your | 21 | Q Did you have a conversation with |
| 22 | attorney? | 22 | anybody to say, wait, what's going on here, |
| 23 | A Yes. | 23 | there's something wrong? |
| | | | |

24 (Pages 94 to 97)

| | | . 1 | 24 (Pages 94 to 9/ |
|----------|--|-----|---|
| İ | Page 94 | 1 | Page 96 |
| 1 | A I never said that I you did | 1 | agenda. My agenda was just to have a |
| 2 | that. | 2 | meeting. |
| 3 | Q Okay. I misunderstood you. | 3 | Q But I know. But his the |
| 4 | A Oƙay. | 4 | purpose was he came in there to tell you you |
| 5 | Q Did you call it to anybody's | 5 | were being laid off; correct? |
| 6 | attention, that the cutoff had been changed | 6 | A Yes. I guess. |
| 7 | or that the evaluations conflicted? | 7 | Q He didn't just make up his mind to |
| 8 | A I questioned my evaluation with Mr. | 8 | terminate you or lay you off after you called |
| 9 | Croom. | . 9 | attention to the discrepancy in your |
| 10 | Q This is when you're being laid off, | 10 | evaluation; is that accurate? |
| 11 | during the | 11 | A Yes. |
| 12 | A Right. | 12 | Q So it's not true that you were |
| 13 | Q meeting? | 13 | terminated because you exposed this alleged |
| 14 | A Right. | 14 | variance, or discrepancy; is that right? |
| 15 | Q And what did you how did you | 15 | A I didn't keep my job either because |
| 16 | question him? What did you say? | 16 | of |
| 17 | A I was asking him about the cutoff | 17 | Q Right. But you weren't terminated |
| 18 | rate. He said two point o. I said, well, | 18 | for that reason; correct? You would agree |
| 19 | mine is a two point five. And he didn't have | 19 | with me? |
| 20 | nothing to say, but that it came it was | 20 | A The reason I was the term |
| 21 | directly this came directly from Joe | 21 | "terminated" |
| 22 | Malugen and, you know, this is what it is, | 22 | Q Uh-huh. |
| 23 | so | 23 | A Because I did not sign the |
| | Page 95 | | Page 97 |
| 1 | Q What do you mean, then, that you | 1 | Q Right. |
| 2 | were constructively terminated after you | 2 | A document. |
| 3 | exposed the defendant's bogus evaluation? | 3 | Q And even before that, you were |
| 4 | What do you mean by that? And I'm | 4 | your being laid off had nothing to do with |
| 5 | particularly focusing on "exposed." | 5 | your saying this evaluation says this and |
| 6 | A That would be me questioning the | 6 | this evaluation says that? That's not the |
| 7 | evaluation. | 7 | reason for the layoff; correct? |
| 8 | Q Okay. And you're saying that you | 8 | A Well, I don't know because, you |
| 9 | were constructively terminated because you | 9 | know, we had a conversation about the |
| 10 | did that, because you called attention to | 10 | evaluation and then the conversation about |
| 11 | that? | 11 | the letter or the document that I didn't |
| 12 | A In my belief. | 12 | sign. So yes, I guess. |
| 13 | Q Well, you were being laid off | 13 | Q When he came in there, though, he |
| 14 | anyway, were you not? | 14 | told you you were being laid off; correct? |
| 15 | A Well, according to what he was | 15 | A Eventually, yeah. Right. Yes. |
| 16 | saying, I should not have been. | 16 | Q Well, your response that this |
| 17 | Q All right. | 17 | doesn't make since because of the discrepancy |
| 18 19 | A But still yet, I was. | 18 | in the evaluation would have in response to |
| 20 | Q All right. Well, let me ask it | 19 | him telling you you were being laid off; |
| 21 | this way: When he came in there, the purpose | 20 | correct? |
| | of the meeting was to lay you off, was it | 21 | A Right. Now, this was all this |
| 22 | not? | 22 | was not just one conversation. I want you to |
| 23 | A Eventually. I guess that was his | 23 | understand, now. |

25 (Pages 98 to 101)

| | | | 25 (Pages 98 to 10) |
|----|---|---|---|
| | Page 98 | 3 | Page 100 |
| 1 | Q All right. | 1 | A Yeah. |
| 2 | A We had two separate conversations. | ļ | Q Okay. Did you |
| 3 | Q Well, I need to know about that. | 3 | A And |
| 4 | A The evaluation and me not signing | 4 | Q witness any hostility though? |
| 5 | because I held onto the document to sign | 5 | Other than the fact that there were no black |
| 6 | overnight. You get what I'm saying? | 6 | managers, did you personally witness any |
| 7 | Q Uh-huh. | 7 | hostility to African-Americans? |
| 8 | A So it was different. | 8 | A I witnessed, you know, |
| 9 | Q All right. When you first met, the | 9 | communications communication gaps, you |
| 10 | first meeting, did he tell you you were being | ł | know, between the store managers or the |
| 11 | laid off? | 11 | |
| 12 | A Yes. | 12 | managers there at the support center with the |
| 13 | | 13 | workers in, you know, just how they talk to |
| 14 | - · · · · · · · · · · · · · · · · · · · | 14 | each other, you know. |
| 15 | necessarily been before you called attention to the discrepancy; correct? | 15 | Q Is that race related or because |
| 16 | A Well, I called the discrepancy | 16 | A Yeah. It's race related because, |
| 17 | • | $\begin{vmatrix} 1 & 0 \\ 17 \end{vmatrix}$ | you know, black people have a way of talking |
| 18 | during that meeting. And it O After he told you you were being | 18 | and what they receive (sic) from white |
| 19 | Q After he told you you were being laid off because of the cutoff? | 19 | people, and black and white people have a |
| 20 | | | way of talking and what they receive from |
| 21 | A Uh-huh. Correct. | 20 | black people as well. |
| 22 | Q Correct? | 21 | Q I'm not sure I'm following you. |
| 23 | A Correct, correct. | 22 | A Basically the way that they talk to |
| 23 | Q Okay. So he wasn't laying you off | 23 | each other, you know, sometimes it it |
| | Page 99 | | Page 101 |
| 1 | because you had called attention to the | 1 | would cause for a little argument here and |
| 2 | discrepancy because you hadn't called | 2 | there. I've witnessed that. I've seen that. |
| 3 | attention to the discrepancy yet; isn't that | 3 | But other than that, no. |
| 4 | fair? | 4 | Q Did you see any did you ever |
| 5 | A Right. Okay. | 5 | hear any white managers use any racially |
| 6 | Q Okay. All right. Look at | 6 | derogatory terms? And if you don't know what |
| 7 | paragraph eleven. The defendant had a long | 7 | I mean by that, let me know. |
| 8 | history of hostility to racial diversity at | 8 | A Store manager or anything not to |
| 9 | its support center. | 9 | my face, no. I've never seen any. |
| 10 | Other than what you told me about, | 10 | Q Okay. Did you see it done to |
| 11 | not seeing any white managers, had you | 11 | anyone else? |
| 12 | personally witnessed any hostility toward | 12 | A To anyone else? |
| 13 | African-Americans? | 13 | Q Uh-huh. |
| 14 | A Well hostility? | 14 | A No. I haven't seen it done to |
| 15 | Q Yes. | 15 | anyone else. |
| 16 | A No. I guess not. It was just | 16 | Q Okay. So other than not seeing any |
| 17 | everything just seemed separated. That's | 17 | black managers at the corporate office |
| 18 | all. | 18 | because you've already admitted you had two |
| 19 | Q Because there were no white | 19 | African-American |
| 20 | managers? | 20 | A Right. |
| 21 | A Well, no white managers and no | 21 | Q managers; right? |
| 22 | black managers. | 22 | A In predominantly black cities, |
| | - | | |

26 (Pages 102 to 105)

| Page 102 1 Q Right. Other than not seeing any black managers at the corporate office and maybe a communication gap between the races, did you over witness any hostility to African-American employees? A No. Because all the African-American employees are always subordinate to the – so I would never see anything – acting out or anything like that, no. Or – go ahead. Q So the answer is "no"? A No. Goaland a befendant's Exhibit 7. Mere fond a se befendant's Exhibit 7. Mere fond a | _ | | | 26 (Pages 102 to 105 |
|--|----|---|-----|---|
| black managers at the corporate office and maybe a communication gap between the races, did you ever witness any hostility to 5 African-American employees? A No. Because all the 6 African-American employees? A No. Because all the 7 African-American employees are always subordinate to the so I would never see anything acting out or anything like that, 10 no. Or go ahead. 10 no. Or go ahead. 11 Q So the answer is "no"? 11 Q So the answer is "no"? 11 Q So the answer is "no"? 11 Q Were you ever written up or reprimanded? 12 A No. 13 Q I'm going to show you what I'm 13 Q Okay. Why did you quit that job? A No. 14 No. 15 Q I'm going to show you what I'm 14 marking as Defendant's Exhibit 7. 16 G WHEREUFON, a document was marked as Defendant's Exhibit 7 and is attached to 15 the original deposition.) 17 Q Okay. Why did you quit that job? A I found out about I got a promotion to the corporate office at Movie Gallery. 18 Q (BY MS. JOHNSON) Can you identify 19 this document for me? 18 Q (BY MS. JOHNSON) Can you identify 19 this document for me? 19 Q Amything on here not accurate? 19 Wall-Mart from February '04 to June '04, and you were in a full-time position; correct? 19 Q Okay. Earlier, when you were 19 Q old you work at Wall-Mart. Does this document reflect 10 Q Negresh your ercollection? 19 Q Mere you part time or full time? 10 Q Vere you part time or full time? 10 Q Vere you part time or full time? 10 Q Were you part time or full time? 10 Q Were you as employed there? 10 Q Were you as employed at Movie Gallery at that time? 11 Q Were you also employed at Movie Gallery at that time? 11 Q Were you also employed at Movie Gallery at that time? 12 Q How did you work two full-time 19 jobs? 11 Gold You work two full-time 19 jobs? 12 Q Okay. Who was your supervisor at 22 C Q Okay. Who was your supervisor at 25 C Q Okay. W | | Page 10 | 2 | Page 104 |
| black managers at the corporate office and maybe a communication gap between the races, did you ever witness any hostility to 5 African-American employees? A No. Because all the 6 African-American employees? A No. Because all the 7 African-American employees are always subordinate to the so I would never see anything acting out or anything like that, 10 no. Or go ahead. 10 no. Or go ahead. 11 Q So the answer is "no"? 11 Q So the answer is "no"? 11 Q So the answer is "no"? 11 Q Were you ever written up or reprimanded? 12 A No. 13 Q I'm going to show you what I'm 13 Q Okay. Why did you quit that job? A No. 14 No. 15 Q I'm going to show you what I'm 14 marking as Defendant's Exhibit 7. 16 G WHEREUFON, a document was marked as Defendant's Exhibit 7 and is attached to 15 the original deposition.) 17 Q Okay. Why did you quit that job? A I found out about I got a promotion to the corporate office at Movie Gallery. 18 Q (BY MS. JOHNSON) Can you identify 19 this document for me? 18 Q (BY MS. JOHNSON) Can you identify 19 this document for me? 19 Q Amything on here not accurate? 19 Wall-Mart from February '04 to June '04, and you were in a full-time position; correct? 19 Q Okay. Earlier, when you were 19 Q old you work at Wall-Mart. Does this document reflect 10 Q Negresh your ercollection? 19 Q Mere you part time or full time? 10 Q Vere you part time or full time? 10 Q Vere you part time or full time? 10 Q Were you part time or full time? 10 Q Were you as employed there? 10 Q Were you as employed at Movie Gallery at that time? 11 Q Were you also employed at Movie Gallery at that time? 11 Q Were you also employed at Movie Gallery at that time? 12 Q How did you work two full-time 19 jobs? 11 Gold You work two full-time 19 jobs? 12 Q Okay. Who was your supervisor at 22 C Q Okay. Who was your supervisor at 25 C Q Okay. W | 1 | Q Right. Other than not seeing any | 1 | A I think his name was Ivan |
| did you ever witness any hostility to did you ever witness any hostility to African-American employees? A No. Because all the African-American employees? A No. Because all the African-American employees are always subordinate to the — so I would never see anything — acting out or anything like that, no. Or — go ahead. Defendant Schibit 7. Where you berminated? A No. Were you ever written up or reprimanded? A No. Were you terminated? A No. Q Were you terminated? A No. Q Okay. Why did you quit that job? A I found out about — I got a promotion to the corporate office at Movie date on this. It says that you worked at the date on this. It | 2 | | 1 | |
| did you ever witness any hostility to African-American employees? A No. Because all the African-American employees are always subordinate to the — so I would never see anything — acting out or anything like that, no. Or — go ahead. A No. Q So the answer is "no"? A No. Q I'm going to show you what I'm marking as Defendant's Exhibit 7. (WHEREUPON, a document was marked as Defendant's Exhibit 7. (WHEREUPON, a document was marked as Defendant's Exhibit 7. He original deposition.) Q (BY MS. JOHNSON) Can you identify this document for me? A My resume. Yeah. Q Is it current? A GMX. Yes. Q Anything on here not accurate? Page 103 A I think everything is accurate. Q Okay. Earlier, when you were telling me about your employment history, I don't believe we talked about Wal-Mart. Does this document reflect — A Oh, yeah. I forgot about Wal-Mart. Q Refresh your recollection? A Yes. Q Were you uever written up or reprimanded? A No. Q Were you terminated? A No. Q Okay. Why did you quit that job? A I found out about — I got a promotion to the corporate office at Movie Gallery. Q All right. I'm confused about the date on this. It says that you worked at Wal-Mart for February '04 to June '04, and you were in a full-time position; correct? A Uh-huh. Q All right. And then it also — but on the front page, it says you worked at this document reflect — A Oh, yeah. I forgot about Wal-Mart. C Q Refresh your recollection? A Yes. Q Were you part time or full time? A Yes. Q Were you part time or full time? A That was full time. A C Q How did you wrk two full-time piobs? A No. C Tego ahead. A No. A No. A No. A I found out about — I got a promotion to the corporate office at Movie Gallery. A Jifuth. Tim confused about the date on this. It says that you worked at Wal-Mart for February '04 to June '04, and you were in a full-time position; correct? A Myresume. Yeah. Q Okay. Barlier, Men you were A O, yeah. I forgot about Wal-Mart. Does this document reflect — A O, yeah. I forgot about Wal-Mart. Q Old you work at Wal-Mart, ever, when you w | 3 | | | - · |
| A fircian-American employees? A No. Because all the A No. Because all the A No. Because all the A No. Because all the A No. Because all the A No. The A fircian-American employees are always subordinate to the — so I would never see anything — acting out or anything like that, no. Or — go ahead. 11 Q So the answer is "no"? 12 A No. 13 Q I'm going to show you what I'm marking as Defendant's Exhibit 7. 15 (WHEREUPON, a document was marked as Defendant's Exhibit 7 and is attached to 17 the original deposition.) 18 Q (BY MS. JOHNSON) Can you identify 19 this document for me? 20 A My resume. Yeah. 21 Q Is it current? 22 A GMX. Yes. 23 Q Anything on here not accurate? 24 A My. 25 Cay Cay. Earlier, when you were this document reflect — 4 A Ol, yeah. I forgot about Wal-Mart. 5 this document reflect — 5 this document freflect — 6 A Ol, yeah. I forgot about Wal-Mart. 7 Q Refresh your recollection? 8 A Yes. 9 Q Tell me about Wal-Mart. When were 10 you employed there? 11 A I think everything is accurate. 12 Q Neare you part time or full time? 13 A Ol, yeah. I forgot about Wal-Mart. 14 A Ol of "06 — O2 of "04 through 06 of "04. 15 Q All right. Were you also employed 16 at Movie Gallery at that time? 17 A Yes. 18 Q Were you apart time or full time? 19 A Yes. 10 Q Were you derminated? 10 A No. 11 Q Were you ever written up or reprimanded? 11 A No. 12 Q Were you ever written up or reprimanded? 12 A No. 13 Q Were you ever written up or reprimanded? 14 A No. 15 Q Were you ever written up or reprimanded? 15 A No. 16 Q Were you ever written up or reprimanded? 16 A No. 17 Q Were you ever written up or reprimanded? 18 A No. 19 Q Were you ever written up or reprimanded? 19 A No. 10 Q Were you ever written up or reprimanded? 10 A No. 11 Q Were you ever written up or reprimanded? 11 A I found out about — I got a No. 12 Q All right. Tim confused about the date on this. It says that you worked at Wal-Mart from February '04 to June '04, and you were in a full-time position; correct? 14 A Uh-huh. 15 Q All right. Mart from February '04 to Ju | 4 | | . | |
| 6 A No. Because all the 7 African-American employees are always 8 subtordinate to the – so I would never see 9 anything – acting out or anything like that, 10 no. Or – go ahead. 11 Q So the answer is "no"? 12 A No. 13 Q I'm going to show you what I'm 14 marking as Defendant's Exhibit 7. 15 (WHEREUPON, a document was marked 16 as Defendant's Exhibit 7 and is attached to 17 the original deposition.) 18 Q (BY MS. JOHNSON) Can you identify 19 this document for me? 10 A My resume. Yeah. 21 Q Is it current? 22 A GMX. Yes. 23 Q Anything on here not accurate? 24 A GMX. Yes. 25 Q Okay. Earlier, when you were 26 telling me about your employment history, I don't believe we talked about Wal-Mart. Does this document reflect — 27 A Yes. 28 Q Were you part time or full time? 29 A That was full time. 20 A I right. The good about Wal-Mart. 21 A O2 of '04. 22 A O3 refresh your recollection? 23 A That was full time. 24 A That was full time. 25 A O4 reg ou part time or full time? 26 A O4 reg ou lave remployment history, I of of '04. 27 A Yes. 28 Q Were you part time or full time? 29 A That was full time. 30 Q Were you also employed at Movie Gallery. 31 A Un-huh. 32 Q Were you part time or full time? 33 Q Were you part time or full time? 34 A Yes. 35 Q How did you work two full-time piobs? 36 A No. Twas part time at Movie 37 A Yes. 38 Q Okay. Why did you quit that job? 38 A No. 39 Q All right. Prive you about wal-Mart. 30 Q Mar right are you about the date on this. It says that you worked at Wal-Mart from February '04 to June '04, and you were in a full-time position; correct? 30 A I think everything is accurate. 40 Q Kay. Earlier, when you were to tell time? 41 A I think everything is accurate. 42 Q Okay. Earlier, when you were to tell time? 43 A Yes. 44 A I think everything is accurate. 45 Q Okay in the front page, it says you worked at Wal-Mart for her form page, it says you worked at Wal-Mart form reformany '05 and the front page, it says you worked at Wal-Mart form reformany '05 and the front page, it says you work at Wal-Mart | 5 | | 5 | |
| African-American employees are always subordinate to the so I would never see anything acting out or anything like that, no. Or go ahead. 10 Q So the answer is "no"? | 6 | A No. Because all the | - 1 | |
| subordinate to the — so I would never see anything — acting out or anything like that, no. Or — go ahead. Q So the answer is "no"? A No. Q Were you terminated? A No. Q Okay. Why did you quit that job? A I found out about — I got a promotion to the corporate office at Movie Gallery. A If ound out about — I got a promotion to the corporate office at Movie Gallery. A If ound out about — I got a promotion to the corporate office at Movie Gallery. A If ound out about — I got a promotion to the corporate office at Movie Gallery. A If ound out about — I got a promotion to the corporate office at Movie Gallery. A If ound out about — I got a promotion to the corporate office at Movie Gallery. A No. Q All right. I'm confused about the date on this. It says that you worked at Wal-Mart from February 104 to June 104, and you were in a full-time position; correct? A OH, went I think everything is accurate. Q Okay. Earlier, when you were telling me about your employment history, I don't believe we talked about Wal-Mart. A Yes. Q Tell me about Wal-Mart. When were you employed there? A Yes. Q Tell me about Wal-Mart. When were you employed there? Q Were you part time or full time? A Yes. Q All right. Promotion to the corporate office at Movie Gallery. A No. A If found out about — I got a promotion to the corporate office at Movie Gallery. A If ound out about — I got a promotion to the corporate office at Movie Gallery. A If ound out about — I got a promotion to the corporate office at Movie Gallery. A If und out about — I got a promotion to the corporate office at Movie Gallery. A If und out about — I got a promotion to the corporate office at Movie Gallery. A If und out about — I got a promotion to the corporate office at Movie Gallery. A If und out about — I got a promotion to the corporate office at Movie Gallery. A Oh, year I from February 104 to June 104 to June 104 to Ju | 7 | African-American employees are always | 7 | |
| anything – acting out or anything like that, 10 no. Or – go ahead. 11 Q So the answer is "no"? 12 A No. 13 Q I'm going to show you what I'm 14 marking as Defendant's Exhibit 7. 15 (WHEREUPON, a document was marked as Defendant's Exhibit 7 and is attached to the original deposition.) 18 Q (BY MS. JOHNSON) Can you identify this document for me? 20 A My resume. Yeah. 21 Q Is it current? 22 A GMX. Yes. 23 Q Anything on here not accurate? 24 A I found out about – I got a promotion to the corporate office at Movie Gallery. 25 A GMX. Yes. 26 A GMX. Yes. 27 Q Nall right. I'm confused about the date on this. It says that you worked at Wal-Mart from February '04 to June '04, and you were in a full-time position; correct? 26 A GMX. Yes. 27 A I think everything is accurate. 28 Q Okay. Earlier, when you were telling me about your employment history, I don't believe we talked about Wal-Mart. 29 Q Neare you part time or full time? 20 A Yes. 30 Q Tell me about Wal-Mart. When were you employed there? 31 Yes. 32 Q All right. And then it also – but on the front page, it says you worked at Wal-Mart, buse this document reflect – So when you were a quality assurance auditor from May '01 to May '05? 31 A Woe. That's wrong. 32 Q Did you work at Wal-Mart. 33 Q Were you part time or full time? 44 A That was full time. 45 Q All right. Were you also employed at Movie Gallery as a quality assurance auditor? 46 A OR, yeah. I forgot about Wal-Mart. 47 Q Refresh your recollection? 48 A No. And the date is wrong there. 49 Q That should be '04? 40 A Yes. 40 Q Were you part time or full time? 41 A That was full time. 41 A That was full time. 42 Q How did you work two full-time? 43 A Yes. 44 A That was full time. 45 Q How did you work two full-time? 46 A No. No, no. That was five. As soon as I got hired. 5/04. 40 Q Okay. Who was your supervisor at 20 All right. Did you apply for any | 8 | | 8 | |
| 10 | 9 | anything acting out or anything like that, | 9 | |
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| Q Tell me about Wal-Mart. When were you employed there? A 02 of '06 02 of '04 through 06 Q Which one's wrong? A The one for quality assurance auditor. Q That should be '04? A That was full time. A That was full time. Q Well, then you didn't quit in June Value at Movie Gallery at that time? A Yes. Q How did you work two full-time Dibs? A No. I was part time at Movie Gallery. Q Okay. Who was your supervisor at Q Which one's wrong? A The one for quality assurance auditor. 10 A The one for quality assurance 11 auditor. 12 Q That should be '04? A Yeah. Typo. 14 Q Well, then you didn't quit in June 15 '04 either at Wal-Mart, did you, because there would have been a month overlap? A No. No, no. That was five. As soon as I got hired. 5/04. Q Did you tell me about K & W Recycling Plant already? A Yes. Q Okay. Who was your supervisor at Q All right. Did you apply for any | 8 | | | |
| you employed there? A 02 of '06 02 of '04 through 06 Of '04. Q Were you part time or full time? A That was full time. Q All right. Were you also employed at Movie Gallery at that time? A Yes. Q How did you work two full-time jobs? A No. I was part time at Movie Gallery. Q Okay. Who was your supervisor at 10 A The one for quality assurance auditor. 12 Q That should be '04? A Yeah. Typo. 14 Q Well, then you didn't quit in June 15 '04 either at Wal-Mart, did you, because 16 there would have been a month overlap? A No. No, no. That was five. As soon as I got hired. 5/04. 19 Q Did you tell me about K & W Recycling Plant already? 21 A Yes. Q All right. Did you apply for any | 9 | Q Tell me about Wal-Mart. When were | 1 | *** |
| 11 A 02 of '06 02 of '04 through 06 12 of '04. 13 Q Were you part time or full time? 14 A That was full time. 15 Q All right. Were you also employed 16 at Movie Gallery at that time? 17 A Yes. 18 Q How did you work two full-time 19 jobs? 20 A No. I was part time at Movie 21 Gallery. 22 Q Okay. Who was your supervisor at 2 Q That should be '04? 13 A Yeah. Typo. 14 Q Well, then you didn't quit in June 15 '04 either at Wal-Mart, did you, because 16 there would have been a month overlap? 17 A No. No, no. That was five. As 20 Soon as I got hired. 5/04. 21 Gallery. 22 Q Okay. Who was your supervisor at 23 A Yes. 24 Q Okay. Who was your supervisor at 25 Q All right. Did you apply for any | 10 | | | |
| 12 | 11 | | | |
| Q Were you part time or full time? A That was full time. Q All right. Were you also employed at Movie Gallery at that time? A Yes. Q How did you work two full-time A No. I was part time at Movie Gallery. Q Well, then you didn't quit in June 15 '04 either at Wal-Mart, did you, because 16 there would have been a month overlap? A No. No, no. That was five. As 18 soon as I got hired. 5/04. 19 Q Did you tell me about K & W 20 Recycling Plant already? 21 A Yes. Q Okay. Who was your supervisor at Q All right. Did you apply for any | 12 | | | |
| A That was full time. Q All right. Were you also employed at Movie Gallery at that time? A Yes. Q How did you work two full-time jobs? A No. I was part time at Movie Gallery. Q Well, then you didn't quit in June 15 '04 either at Wal-Mart, did you, because 16 there would have been a month overlap? A No. No, no. That was five. As 18 soon as I got hired. 5/04. Q Did you tell me about K & W Recycling Plant already? A Yes. Q Okay. Who was your supervisor at 22 Q All right. Did you apply for any | 13 | Q Were you part time or full time? | | - |
| 15 Q All right. Were you also employed 16 at Movie Gallery at that time? 17 A Yes. 18 Q How did you work two full-time 19 jobs? 20 A No. I was part time at Movie 21 Gallery. 22 Q Okay. Who was your supervisor at 25 '04 either at Wal-Mart, did you, because 16 there would have been a month overlap? 17 A No. No, no. That was five. As 18 soon as I got hired. 5/04. 19 Q Did you tell me about K & W 20 Recycling Plant already? 21 A Yes. 22 Q All right. Did you apply for any | | | | |
| at Movie Gallery at that time? A Yes. Q How did you work two full-time jobs? A No. I was part time at Movie Gallery. Q Okay. Who was your supervisor at 16 there would have been a month overlap? A No. No, no. That was five. As soon as I got hired. 5/04. 19 Q Did you tell me about K & W 20 Recycling Plant already? 21 A Yes. Q Okay. Who was your supervisor at Q All right. Did you apply for any | | Q All right. Were you also employed | | |
| 17 A Yes. 18 Q How did you work two full-time 19 jobs? 20 A No. I was part time at Movie 21 Gallery. 22 Q Okay. Who was your supervisor at 23 Work Mark 19 A No. No, no. That was five. As 18 soon as I got hired. 5/04. 19 Q Did you tell me about K & W 20 Recycling Plant already? 21 A Yes. 22 Q All right. Did you apply for any | | | | |
| 18 Q How did you work two full-time 19 jobs? 20 A No. I was part time at Movie 21 Gallery. 22 Q Okay. Who was your supervisor at 23 Work Market Space (Space of Space | 17 | | | |
| 19 jobs? 20 A No. I was part time at Movie 21 Gallery. 22 Q Okay. Who was your supervisor at 23 World Mark 20 Recycling Plant already? 21 A Yes. 22 Q All right. Did you apply for any | 18 | Q How did you work two full-time | | |
| 20 A No. I was part time at Movie 21 Gallery. 22 Q Okay. Who was your supervisor at 23 Wolf Model 20 Recycling Plant already? 21 A Yes. 22 Q All right. Did you apply for any | 19 | | | |
| 21 Gallery. 22 Q Okay. Who was your supervisor at 21 A Yes. 22 Q All right. Did you apply for any | | A No. I was part time at Movie | | |
| Q Okay. Who was your supervisor at 22 Q All right. Did you apply for any | 21 | Gallery. | | AZ CONTRACTOR OF THE PROPERTY |
| 22 Metat is | | Q Okay. Who was your supervisor at | 22 | |
| | 23 | | 23 | jobs, when you were the quality assurance |

27 (Pages 106 to 109)

| , | | | 27 (Pages 106 to 109 |
|----|--|----|---|
| | Page 106 | 5 | Page 108 |
| 1 | auditor with Movie Gallery, with other | 1 | A Only one. |
| 2 | employers? | 2 | Q Only one issue? |
| 3 | A I may have. I don't remember. | 3 | A Yes. Well, two. Everything, |
| 4 | Q Have you applied for any jobs, | 4 | except for the audit and the tools. |
| 5 | since you've been employed with T. J. Maxx, | 5 | Q Well, let's talk about it. What do |
| 6 | with other employers? | 6 | you recall talking to him about? |
| 7 | A No. Not since I've been there. | 7 | A The planning. Audit audit |
| 8 | Q What was the purpose of creating | 8 | planning and audit reporting. |
| 9 | this resume? | 9 | Q Okay. You remember him telling you |
| 10 | A To find a job. | 10 | that you weren't doing that correctly; is |
| 11 | Q Well, you've already got T. J. Maxx | 11 | = |
| 12 | on here. | 12 | that right? |
| 13 | A Right. | 13 | A Yes. |
| 14 | Q So are you looking for another job? | 14 | Q Or warning you that you needed to |
| 15 | | 1 | start doing it correctly? |
| 16 | the state of the s | 15 | A Right, |
| 17 | make more money. | 16 | Q All right. You don't recall him |
| 18 | Q Okay. Have you applied? | 17 | telling you that you need to make flight and |
| 19 | A Applied anywhere? No. | 18 | car reservations at least a week in advance |
| | Q I'm going to show you what I'm | 19 | to reduce expenses? |
| 20 | marking as Defendant's Exhibit 8. | 20 | A Do I no. I don't remember that, |
| 21 | (WHEREUPON, a document was marked | 21 | but, of course |
| 22 | as Defendant's Exhibit 8 and is attached to | 22 | Q It could have happened? |
| 23 | the original deposition.) | 23 | A It could have happened. |
| ļ | Page 107 | | Page 109 |
| 1 | Q (BY MS. JOHNSON) Take a minute to | 1 | Q And you knew that that was the |
| 2 | review it, and then tell me if you recognize | 2 | policy? |
| 3 | this document. | 3 | A The policy? We didn't have a |
| 4 | A (Witness complies.) | 4 | policy. |
| 5 | And what do you want me to do with | 5 | Q Well, did you know that you were |
| 6 | this? | 6 | supposed to and it was in the company's |
| 7 | Q Do you recognize this document? | 7 | best interest to make travel plans as soon |
| 8 | A No. | 8 | as possible to reduce cost? |
| 9 | Q Okay. You've never seen it before? | 9 | A Well, first of all, our travel and |
| 10 | A No. I don't believe I have. | 10 | everything we did a little bit at first. |
| 11 | Q Do you recall | 11 | And then it was all through our travel |
| 12 | A I don't remember seeing this. | 12 | agency, through corporate. Okay? So |
| 13 | Q Okay. Do you recall receiving a | 13 | anything like this would have been before the |
| 14 | verbal warning from Mr. Croom Croom on | 14 | travel agency. Even before then. But we |
| 15 | August 16th, '04? | 15 | didn't it was not like we had to make it a |
| 16 | A Do I remember it? No, I do not | 16 | week before. That was not the case because |
| 17 | remember it. | 17 | we didn't know where we were going. |
| 18 | Q Well, I don't mean specifically as | 18 | Q Do you recall him telling you that |
| 19 | to that date. Do you recall on or about | 19 | you needed to do it as soon as you could to |
| 20 | during this time period receiving a verbal | 20 | reduce cost? |
| 21 | warning from Mr. Croom regarding these | 21 | A In those words, yeah. Maybe. |
| 22 | matters that are discussed in Defendant's | 22 | |
| 23 | | 23 | e stays and your sound that coming |
| _~ | Extract 0; | رے | you that you needed to contact the regional |

28 (Pages 110 to 113)

| _ | | - | 28 (Pages 110 to 113 |
|----|---|-----|---|
| | Page 11 | 0 | Page 112 |
| 1 | manager and the district manager prior to | 1 | Q So you don't recall him ever |
| 2 | conducting an audit? | 2 | talking to you about discrepancies and your |
| 3 | A Yes. | 3 | need to |
| 4 | Q Okay. And do you remember being | 4 | A No. |
| 5 | warned about that? | 5 | Q double check? |
| 6 | A No. | 6 | A No. |
| 7 | Q Okay. Well, when he told you about | 1 | |
| 8 | that, was that when you were hired or after | - : | Q Okay. What about income statement |
| 9 | you were hired in this position? | 9 | reviews? Double check all figures and |
| 10 | | | calculations and report percentages |
| 11 | A That was like during the hiring and | 10 | correctly. Do you remember him counselling |
| 12 | training on how to be a quality assurance | 11 | you about that? |
| 13 | auditor, | 12 | A No. |
| | Q And it's your testimony he never | 13 | Q All right. What about the |
| 14 | had to counsel you that you were not | 14 | department and district summaries? Double |
| 15 | contacting them in advance? | 15 | check all information for accuracy and |
| 16 | A Right. Yes. That's my yes. | 16 | A Yes. |
| 17 | Q Do you recall him talking to you | 17 | Q using spelling and |
| 18 | about fraud reviews? | 18 | A Yes. |
| 19 | A No. Other than the fact that we | 19 | Q grammar checks? |
| 20 | needed to find it. That's the only | 20 | A Yes. |
| 21 | Q But you weren't counselled about | 21 | Q You do recall him counselling |
| 22 | that? | 22 | A Yes. |
| 23 | A No. | 23 | Q you about that? Okay. And that |
| | Page 111 | | Page 113 |
| 1 | Q To the best of your knowledge? | 1 | would have been do you disagree that it |
| 2 | A To the best of my knowledge. Why | 2 | was in about August of '04? |
| 3 | would I be counselled for that when I had | 3 | |
| 4 | I found the biggest case in Virginia. I | 4 | |
| 5 | don't understand that, why would that even be | 1 | Q Okay. Do you recall submitting |
| 6 | right here on this document. | 5 | reports that had typos in it? |
| 7 | _ | 6 | A Yes. |
| 8 | 2 | 7 | Q Okay. And you did that on more |
| a | A Well, in EDRC fraud reviews, what | 8 | than one occasion? |
| 10 | we would have to do is actually review the | 9 | A Yes. That's when we had this |
| 11 | print-off from the computer and see what is | 10 | meeting, this discussion here about it. |
| 12 | actually going on with the associates. | 11 | Q Okay. And do you recall discussing |
| 13 | Basically, they had to enter the last four | 12 | with him all reports and summaries must be |
| | numbers on this EDRC. And if you have | 13 | submitted by o-eight-hundred hours on |
| 14 | multiple numbers of the same number, or zero | 14 | Tuesday? |
| 15 | zero zero one, you know something is going | 15 | A Yes. |
| 16 | on. | 16 | Q Okay. Anything else you recall in |
| 17 | Well, I found that in Virginia. | 17 | this meeting where you had with Mr. Croom? |
| 18 | And I had over it come up to the store | 18 | A Well, first of all, it's not a |
| 19 | manager, assistant manager, and one of the | 19 | meeting. Okay? It wasn't a meeting. Let's |
| 20 | associates was involved. It was over five | 20 | not because it wasn't like that. |
| 21 | thousand dollars, you know. And that was | 21 | Q Okay. Well, explain it to me. |
| 22 | like the biggest case we had or one of the | 22 | A It was just a casual conversation |
| 23 | biggest cases. | 23. | here that we would be talking about this |

29 (Pages 114 to 117)

| | | | 29 (Pages 114 to 11/ |
|----|---|----|--|
| | Page 11 | 4 | Page 116 |
| 1 | the audit reporting or anything else. And | 1 | A The second page, yes. |
| 2 | it would be like him, Bo Collins, me, and | 2 | Q And it's page two of a document; is |
| 3 | Anthony in the office. And he would just | 3 | that correct? |
| 4 | bring up something. | 4 | A It looks to be that way. |
| 5 | Q Anthony who? | 5 | Q All right. Is that your signature? |
| 6 | A Anthony Love. | 6 | A Yes. |
| 7 | Q Okay. | 7 | Q And is it dated November 8th, '04? |
| 8 | A And just bring it up, you know | 8 | A Uh-huh. |
| 9 | something. Mike, I noticed or, Mike, this | 9 | Q Are you telling me that, when you |
| 10 | right here happened on your report or | 10 | were presented this document, you weren't |
| 11 | whatever, whatever. And, you know | 11 | presented the complete document or that the |
| 12 | Q You need to fix it? | 12 | first page is different than the first page |
| 13 | A And I fixed it, you know, right | 13 | you saw? |
| 14 | then, you know. And that was it. | 14 | A It's different. Some of this stuff |
| 15 | Q You understood that he was | 15 | was not on here. |
| 16 | correcting you at that time? | 16 | Q I'm sorry? Say that |
| 17 | A Right. But on this (indicating), | 17 | A It's different. It looks |
| 18 | it's like it was a major deal, but he didn't | 18 | different. |
| 19 | convey it that way when we was talking right | 19 | Q In what way does it look different? |
| 20 | then. | 20 | A The audit planning, audit tools. |
| 21 | Q Okay. | 21 | The number three was not first of all, |
| 22 | A You know what I'm saying? | 22 | this whole outline here, was not here. Okay? |
| 23 | Q This document, Defendant's Exhibit | 23 | The whole outline of everything was not |
| | Page 115 | | Page 117 |
| 1 | 8, reflects that it was a verbal counselling; | 1 | there. |
| 2 | correct? | 2 | Q You're talking about one, two, |
| 3 | A Uh-huh. Right. | 3 | three? |
| 4 | Q And you understood it whether it | 4 | A One, two, three. Yes. |
| 5 | was formal or informal, you understood it to | 5 | Q It was missing off the first page? |
| 6 | be a verbal | 6 | A Right. |
| 7 | A No. | 7 | Q And you're a hundred percent sure |
| 8 | Q I didn't say a verbal warning. A | 8 | about that? |
| 9 | verbal instruction to fix things; correct? | 9 | A Yes. Yes. I'm pretty sure about |
| 10 | A A verbal instruction? Yeah. But | 10 | that. |
| 11 | not a verbal warning or counselling. | 11 | Q Any other differences? |
| 12 | Q Okay. I'm going to show you what | 12 | A Hold on. Woe, woe, woe. |
| 13 | I'm marking as Defendant's Exhibit 9. | 13 | Q Take as much time as you need. |
| 14 | (WHEREUPON, a document was marked | 14 | A All right. The second paragraph |
| 15 | as Defendant's Exhibit 9 and is attached to | 15 | third paragraph. |
| 16 | the original deposition.) | 16 | Q Starting with "all department"? |
| 17 | Q (BY MS. JOHNSON) Do you recall | 17 | A All department okay. The "all |
| 18 | ever seeing this document? Take as much time | 18 | department" on down. |
| 19 | as you want to review it. | 19 | Q Was not there? |
| 20 | A The back page, this page here, yes. | 20 | A I do not remember seeing that. |
| 21 | This front page, no. | 21 | Q So the only thing that you saw on |
| 22 | Q Okay. Look at the second page. | 22 | page one would have been the importance of |
| 23 | You agree you've seen this page? | 23 | professionally reporting audits? Is that |

30 (Pages 118 to 121)

| | | | 30 (Pages 118 to 121 |
|----|---|----------|---|
| | Page 118 | 3 | Page 120 |
| 1 | your testimony? | 1 | understanding or, I guess, accepting that you |
| 2 | A (Witness nods head.) | 2 | I'm trying to understand what you believe. |
| 3 | I do remember that. I do remember | 3 | And it sounds like, to me, that you believe |
| 4 | that, | 4 | that this document you signed and that's |
| 5 | Q Okay. Can you explain to me how, | 5 | your signature? |
| 6 | if you recall seeing page two and you admit | 6 | A Uh-huh. |
| 7 | that that's your signature how the | 7 | Q Was somehow altered after the fact. |
| 8 | sentence on page one runs into the top of the | 8 | Is that what you're testifying to? |
| 9 | first sentence on page two? | 9 | A That's what it seems like. Yes. |
| 10 | A What do you mean? | 10 | That's what it seems like. |
| 11 | Q All right. Well, you that's | 11 | Q All right. And even though your |
| 12 | your signature? | 12 | signature is on the second page and the |
| 13 | A The first paragraph right there? | 13 | sentence at the top, the very first sentence, |
| 14 | Q Yeah. Okay. | 14 | "made within the department and district |
| 15 | A Ninety-five percent of all | 15 | summaries" is a half of a sentence following |
| 16 | communications between the QA department and | 16 | directly from the other half a sentence on |
| 17 | other departments takes place through the | 17 | the first page, you still believe that this |
| 18 | documentation audits. | 18 | was altered? |
| 19 | Q That's the only thing you remember | 19 | A Uh-huh. Yes. |
| 20 | seeing on page one. | 20 | Q Can you explain to me how they |
| 21 | A Really, yes. | 21 | would have done that when the second page |
| 22 | Q Are you telling me that page one | 22 | starts in the middle of a sentence? |
| 23 | only had one short, little paragraph on it? | 23 | A I don't know. I'm just telling you |
| | Page 119 | † | Page 121 |
| 1 | A I'm telling you that this right | 1 | - |
| 2 | here, that's what I remember. And I know for | 2 | what I remember seeing. |
| 3 | sure this last paragraph here because I | 3 | Q Is it possible, Mr. Jackson, you |
| 4 | remember for the next two weeks, I | 4 | were given this whole document and you just |
| 5 | remember him saying that he was going to | 5 | don't remember it? A Not with this all on here. I would |
| 6 | monitor my work and everything. | 6 | A Not with this all on here. I would remember this outline. |
| 7 | Q All right. Well, try following me | 7 | Q Is it possible |
| 8 | here because I don't see I'm not following | 8 | A Because I would we would have |
| 9 | you. | 9 | talked about the EDRC and the flight and RM |
| 10 | A Okay. | 10 | and DM contact and everything, and I don't |
| 11 | Q Did you sign a one-page document or | 11 | remember talking about that. |
| 12 | a two-page document? | 12 | Q Okay. Is it possible you were |
| 13 | A One page. | 13 | given a two-page document and you just don't |
| 14 | Q Okay. So you're telling me that | 14 | remember that? |
| 15 | they somehow, after you signed this document, | 15 | A A two-page document? Maybe. I |
| 16 | divided this into a two-page document and | 16 | don't I don't |
| 17 | added stuff to it? | 17 | Q You don't recall, in this meeting, |
| 18 | A That's what it looks like. I mean, | 18 | talking about flight and car reservations? |
| 19 | if you're going to give it to me and let me | 19 | A No. |
| 20 | read it some more | 20 | Q You don't recall talking about |
| 21 | Q I'll be glad to let you read you | 21 | audit tools? |
| 22 | can take thirty minutes to read it, but I'm | 22 | A Uh-uh. |
| 23 | just trying I'm having a hard time | 23 | Q You don't recall talking about |
| | , ,, a | | 2 TOW GOTTE TOGGIT COINTING GOOGLE |

31 (Pages 122 to 125)

| | | | 31 (Pages 122 to 125 |
|----|--|-----|--|
| | Page 12 | 2 | Page 124 |
| 1 | audit reporting? | 1 | that; correct? |
| 2 | A That I do. | 2 | A As a matter of fact, I showed him |
| 3 | Q Okay. Do you recall talking about | . 3 | how to track the changes. |
| 4 | your repeated grammatical errors? | 4 | Q Listen to my |
| 5 | A Uh-huh. | 5 | A Go ahead. |
| 6 | Q And, in fact, he attached your | 6 | Q Listen to my question, Mr. Jackson. |
| 7 | reports to this document, did he not? And | 7 | The sentence on page two says, attached are |
| 8 | take as much time as you need to look at | 8 | Michael's original summaries, track changes |
| 9 | them. | 9 | for those summaries, and final summaries. |
| 10 | A These are the basic formats of what | 10 | A Uh-huh. |
| 11 | we used. | 11 | Q Is that accurate? You need to say |
| 12 | Q Are you disputing that these | 12 | yes or no, not uh-huh. |
| 13 | reports, your reports that are attached to | 13 | A No. I'm following you. What are |
| 14 | Defendant's 9, were attached to this written | 14 | you asking me? |
| 15 | warning that you signed on | 15 | Q Is that what it says? The track |
| 16 | A That they were attached? | 16 | changes have been forwarded to each auditor. |
| 17 | Q Uh-huh. | 17 | Attached are Michael's original summaries, |
| 18 | A Especially when I signed it? | 18 | track changes for those summaries, and final |
| 19 | Q Uh-huh. | 19 | summaries. |
| 20 | A Oh, no. They were not attached. | 20 | Do you see that sentence? |
| 21 | Q Okay. You didn't see he didn't | 21 | A Yes, I do. |
| 22 | show them to you that day? | 22 | Q And you signed two paragraphs below |
| 23 | A No. | 23 | that; is that correct? |
| | Page 123 | | Page 125 |
| 1 | Q He didn't go over these with you | 1 | A Yes. |
| 2 | that day? | 2 | Q All right. And the last sentence |
| 3 | A These documents were not - were | 3 | right above your signature says "much |
| 4 | not attached. | 4 | improvement is expected and required"; is |
| 5 | Q All right. Let's let go of the | 5 | that correct? |
| 6 | word "attached" because I don't care if they | 6 | A Yes. |
| 7 | were physically attached. Did you talk about | 7 | Q All right. And did you read this |
| 8 | these documents | 8 | before you signed it? |
| 9 | A Yeah. | 9 | A Yes. I think I did. |
| 10 | Q during this meeting? | 10 | Q All right. Now |
| 11 | A We talked about my summaries. | 11 | A The first sentence you just read |
| 12 | Okay? Not these specifically. Just my | 12 | there, that would go along with that first |
| 13 | summaries. | 13 | page. I do remember this this second |
| 14 | Q Okay. Could you have gone over | 14 | the first and second paragraph, these two |
| 15 | did you go over particular summaries that he | 15 | paragraphs right here that |
| 16 | had problems with? | 16 | Q The one that says attached are |
| 17 | A I don't remember doing it. No. | 17 | the |
| 18 | Q Okay. | 18 | A No. "In addition to both |
| 19 | A Any particular ones. | 19 | grammatical and factual errors." You know, |
| 20 | Q Now, on page two, at the top, if | 20 | those is what I remember. |
| 21 | you would, it says attached are Michael's | 21 | Q You just remember those two |
| 22 | original summaries, track changes for those | 22 | paragraphs? |
| 23 | summaries, and final summaries. It says | 23 | A Yes. You get what I'm saying? |

32 (Pages 126 to 129)

| | · · · · · · · · · · · · · · · · · · · | | 32 (Pages 126 to 129 |
|----|--|-----|---|
| | Page 126 | 5 | Page 128 |
| 1 | Q Yeah. | 1 | A Okay. |
| 2 | A Because the rest of it was over at | 2 | Q Is that a yes or a no? |
| 3 | the front page, and I do remember that. | 3 | A Yes. It says that on the first |
| 4 | Q So the only paragraphs you remember | | page. |
| 5 | are, on the first page, "the importance of | 5 | |
| 6 | professionally reporting." And then on the | 6 | Q And you don't recall seeing that? A I don't recall seeing that, but |
| 7 | second page, "in addition to" and "each | 7 | that's what it says. |
| 8 | department"? | 8 | Q All right. Is the information |
| 9 | A Yes, | 9 | contained in this document accurate to the |
| 10 | Q You remember signing three | 10 | |
| 11 | paragraphs? That's it? | 111 | best of your knowledge? |
| 12 | A Uh-huh. | 12 | A The only thing that's missing out |
| 13 | Q Okay. You understood that you | 13 | of this document is that there was a |
| 14 | this was a written warning; correct? | 14 | reimbursement issue with my Amex, American |
| 15 | A Yes. | 15 | Express, card that we talked about and he was |
| 16 | | 16 | seeing about as well through this whole time. |
| 17 | | 17 | Q Well, look at paragraph two. It |
| 18 | expected and required" is noted right above your signature? | 1 | talks about a reimbursement issue, does it |
| 19 | A Uh-huh. | 18 | not? |
| 20 | | 19 | A Okay. Okay. Yes. |
| 21 | Q Okay? | 20 | Q And is that the reimbursement issue |
| 22 | A Yes. | 21 | you were telling me about previously? |
| 23 | Q I'm going to show you what I'm | 22 | A Yes. That's it. |
| 23 | marking as Defendant's Exhibit 10. Take as | 23 | Q And it appears you were told that |
| ł | Page 127 | | Page 129 |
| 1 | much time as you need to review this | 1 | you were going to be reimbursed on |
| 2 | document. | 2 | January 4th, but it was actually January 5th; |
| 3 | (WHEREUPON, a document was marked | 3 | is that correct? |
| 4 | as Defendant's Exhibit 10 and is attached to | 4 | A Yes. |
| 5 | the original deposition.) | 5 | Q So it was a one-day delay; is that |
| 6 | A (Witness complies.) Okay. | 6 | accurate? |
| 7 | Q Is that your signature on page two? | 7 | A It may have been longer than that, |
| 8 | A Yes, | 8 | but it it was probably the 5th. I don't |
| 9 | Q And it's dated January 14th, '05? | 9 | know. |
| 10 | A Yes. | 10 | Q According to this, it was one day. |
| 11 | Q And do you recall signing this | 11 | A According to this. Yeah. Right. |
| 12 | document on that day? | 12 | Q And you signed this document; |
| 13 | A Yes. | 13 | correct? |
| 14 | Q Okay. And does this document | 14 | A Yes. |
| 15 | differ, in any way, than the document you | 15 | Q You didn't protest that, did you? |
| 16 | recall signing? | 16 | A No. I just |
| 17 | A No. | 17 | Q All right. This document also |
| 18 | Q Okay. And you understood, on | 18 | notes that you had based on all the |
| 19 | January 14th, 2005, you were receiving a | 19 | math and I'm not going to sit here and |
| 20 | final written warning? | 20 | attempt to do math right now unless you make |
| 21 | A No. | 21 | me, but you had an available credit of eight |
| 22 | Q You did not it says that on the | 22 | hundred and five dollars and forty-eight |
| 23 | first page; correct? | 23 | cents if you'll look at the last |

33 (Pages 130 to 133)

| | | T . | 33 (Pages 130 to 133 |
|-----|--|-----|---|
| ĺ | Page 130 |) | Page 132 |
| 1 | paragraph. You should have had a balance of | 1 | Croom that you consider |
| 2 | eight hundred and five dollars and | 2 | A Yes. |
| . 3 | forty-eight cents. | 3 | Q this e-mail your signature on |
| 4 | Do you see that? | 4 | this? |
| 5 | A Uh-huh. Yes. I see that. | 5 | A Yes. |
| 6 | Q Do you dispute that fact, sitting | 6 | Q Do you agree with the comments that |
| 7 | here today? | 7 | are in this review? |
| 8 | A No. | 8 | A The comments? |
| 9 | Q And you knew, when you signed this | 9 | Q Uh-huh. |
| 10 | document on January 14th, '05, that if you | 10 | A I have the comments are fine, |
| 11 | continued to fail to pay your corporate Amex | 11 | except for the one with on number one. |
| 12 | on time that it would result in your | 12 | Q For "adaptability"? |
| 113 | termination; correct? | 13 | A (Inaudible.) |
| 14 | A Yes. | 14 | Q You can't mumble. You have to |
| 15 | Q And, in fact, it says that right | 15 | talk |
| 16 | above your signature, doesn't it? | 16 | A I'm just reading. |
| 17 | A Yes. | 17 | Q Well, she's got to take everything |
| 18 | Q Let me show you what I'm marking as | 18 | that comes out of your mouth. So either talk |
| 19 | Defendant's Exhibit 11 and ask you if you | 19 | out loud or kind of talk to yourself, in your |
| 20 | recognize that document. And take as much | 20 | head. |
| 21 | time as you need. | 21 | MR. NEWMAN: I ordinarily take my |
| 22 | (WHEREUPON, a document was marked | 22 | lunch break at noon. |
| 23 | as Defendant's Exhibit 11 and is attached to | 23 | MS. JOHNSON: That's fine. |
| | Page 131 | | Page 133 |
| 1 | the original deposition.) | 1 | MR. NEWMAN: Do you have any |
| 2 | A Yes. I remember this. | 2 | problem with that? |
| 3 | Q And what is it? | 3 | MS. JOHNSON: Not at all. In fact, |
| 4 | A This is my performance review. | 4 | I'm very hungry. That would be great. Then |
| 5 | Q And when were you given this | 5 | I'll probably have about an hour or a little |
| 6 | performance review? | 6 | bit more. |
| 7 | A January 24th. | 7 | MR. NEWMAN: That's fine. |
| 8 | Q Of '05? | 8 | THE WITNESS: Really? |
| 9 | A Of '05. | 9 | A Just the first one. The comments |
| 10 | Q And what period did it cover? | 10 | about the Amex card doesn't seem relevant to |
| 11 | A May 24th, '04. | 11 | the adaptability. Actually, that's it. |
| 12 | Q Okay. And who gave you this | 12 | Q It doesn't seem relevant? |
| 13 | review? | 13 | A No. |
| 14 | A Heath Croom. | 14 | Q But it's accurate that you had |
| 15 | Q Okay. And look at the last page of | 15 | problems with the Amex card? |
| 16 | this document, which appears to be an e-mail | 16 | A Right. |
| 17 | from you to Heath Croom | 17 | Q All right. And you got a two point |
| 18 | A Uh-huh. Yes. | 18 | six out of a five; is that correct? |
| 19 | Q dated January 25, '05. | 19 | A Yes. |
| 20 | A Yes. | 20 | Q All right. And as you see and |
| 21 | Q Do you recall sending that e-mail? | 21 | you understood, at the time, that a two point |
| 22 | A Yes. | 22 | six meant "needs improvement"; is that |
| 23 | Q And it's basically telling Mr. | 23 | correct? |

(Pages 134 to 137) Page 134 Page 136 Yes. Α 1 Defendant Exhibit 12, this letter? 2 Q All right. And on the last page, 2 A No. 3 it again notes that your progress has been 3 Q Do you know if another letter 4 and will continue to be monitored for 4 exists -- well, let me ask it this way: The 5 improvement; is that correct? 5 previous position, the one you can't remember 6 A Yes. 6 the name of, did you send a letter similar to 7 Q Okay. And, in fact, you had been 7 this? 8 given the written warning we just looked at a 8 A Yes. Similar. Yes. 9 minute ago about ten days before this; is 9 Q So if it doesn't exist in Movie 10 that correct? 10 Gallery's files, you can't explain that? 11 Α Yes. 11 A Right. It should because I gave it 12 MS. JOHNSON: Let's just do this 12 to him, same as I did with this one. 13 one last exhibit, and then take a break. 13 MS. JOHNSON: All right. Let's 14MR. NEWMAN: Sure. 14 take a -- how long do you need, Malcolm? 15 Q (BY MS. JOHNSON) Let me show you 15 MR. NEWMAN: An hour is fine with 16 what I'm marking as Defendant's Exhibit 12. 16 me. 17 (WHEREUPON, a document was marked 17 MS. JOHNSON: All right. 18 as Defendant's Exhibit 12 and is attached to 18 (11:55 a.m.) 19 the original deposition.) 19 (WHEREUPON, a lunch break was taken.) 20 Q (BY MS. JOHNSON) Do you recognize 20 (12:59 p.m.) 21 this document? 21 Q (BY MS. JOHNSON) Mr. Jackson, I'm 22 A Yes. 22 going to show you what I'm marking as 23 Q Okay. And what is it? 23 Defendant's Exhibit 13 and ask you if you Page 135 Page 137 1 A My resume, cover letter, and 1 recall seeing this document. 2 references for the position applied for at 2 (WHEREUPON, a document was marked 3 Game Zone/Trade Zone operations -- director 3 as Defendant's Exhibit 13 and is attached to 4 of Game Zone and Trade Zone operations. 4 the original deposition.) 5 Q And who did you send this to? 5 A Yes. 6 A I gave this to Mr. Croom. 6 Q Okay. And is this the posting of 7 Q And, again, just to make sure I'm 7 the position for the Game Zone --8 straight, you never followed back up with him 8 A Yes. 9 after that to see what happened with this 9 -- director that you gave Mr. Croom 10 position? 10 your resume about? 11 A Just questioning has he heard 11 That's correct. Α 12 anything. That was it. 12 Okay. And it's dated March 21st, Q 13 Q And what did he say? 13 2005? 14 A He said no. 14 Uh-huh. 15 Q And sitting here today, you don't 15 Q And was this sent out by e-mail? 16 know if this position was ever filled, do 16 Uh-huh. 17 you? 17 Q Okay. So everybody in the office 18 No. I do not know that. Α 18 got it, the corporate office? 19 Q You don't have a similar letter 19 20 like this in your possession regarding the 20 If you would -- had you ever worked 21 other position, do you? 21 at a Game Zone store before? 22 A No. It was on my laptop. 22 Α No. 23 Do you have a copy of this, 23 Okay. And Game Zone -- tell me

35 (Pages 138 to 141)

| | | | | 35 (Pages 138 to 141 |
|-----|---------|---|--|--|
| | | Page 13 | 3 | Page 140 |
| 1 | what | a Game Zone is as opposed to the Movie | 1 | A Report to |
| 2 | Galler | y where you worked. | 2 | Q Were you their |
| 3 | Α | Well, they have the game parts for | 3 | A No. |
| 4 | the N | intendo and X-Box and all that. They | 4 | Q supervisor? |
| 5 | | alize in those parts. And they also | 5 | A No. |
| 6 | | a spot where you can go in and rent out | 6 | Q Okay. Have you ever been a |
| 7 | | ations there and play them hourly for | 7 | district manager? |
| 8 | | venty-five cents, fifty cents an hour, | 8 | A I have never. No. But as a |
| 9 | | nething like that. | 9 | quality assurance auditor, it's the same — |
| 10 | Q | Look down at "a successful | 10 | Q Well, according to you |
| 11 | candio | late shall." | 11 | A I had to know everything that they |
| 12 | Α | Uh-huh. | 12 | know to be a quality assurance |
| 13 | Q | And then those bullets under there. | 13 | Q All right. But my question is, |
| 14 | _ | Yeah. I | 14 | have you ever been a district manager? |
| 15 | | MR. NEWMAN: Let her ask you a | 15 | A Okay. |
| 16 | questi | | 16 | Q Had you? Have you ever been a |
| 17 | , | THE WITNESS: Oh, I'm sorry. | 17 | district manager? |
| 18 | Q | (BY MS. JOHNSON) Okay. It says, | 18 | A No. |
| 19 | ~ | wo to three years supervisory | 19 | |
| 20 | | ence at the DM level or above. Do you | 20 | Q Have you ever supervised a district |
| 21 | see tha | • | 21 | manager? |
| 22 | A | Yes. | 22 | A I had that would be the same |
| 23 | Q | Had you been a DM before? | 23 | question. No. No, I'm not. |
| | <u></u> | | | Q Okay. Do you did you, at the |
| 1, | | Page 139 | | Page 141 |
| 1 | A | As a quality assurance the DM | 1 | time, have working knowledge of Microsoft |
| 2 | | e quality assurance is on the same | 2 | Office Suite? |
| 3 | level. | | 3 | A Yes. |
| 4 | Q | Who told you that? | 4 | Q · Okay. And where did you learn |
| 5 | Α | That's what Mr. Croom has made | 5 | that? |
| 6 | | at referendum of like we are almost | 6 | A In college and also through my |
| 7 . | - | to the DMs. | 7 | experience with Movie Gallery. |
| 8 | | Tell me what Mr. Croom told you | 8. | Q And it said you would be willing to |
| 9 | | cally as to your relationship with the | 9 | travel fifty percent of the time; is that |
| 10 | DMs. | | 10 | correct? |
| 11 | Α | Basically, we were checking up on | 11 | A Right. |
| 12 | | ls is what our jobs was. | 12 | Q How much were you travelling in |
| 13 | Q | Did you have hiring and firing | 13 | A Hundred percent of the time. |
| 14 | | ty over a DM? | 14 | Q Okay. All right. |
| 15 | Α. | Not directly, no. Of course, if we | 15 | A Now, as a quality assurance |
| 16 | | something, I'm sure it would lead to a | 16 | auditor, like I was saying, I have to know |
| 17 | firing. | | 17 | everything a DM knows. And not only that. |
| 18 | Q | Could you personally fire | 18 | Our reports did lead to several DMs losing |
| 19 | Α | No. | 19 | their position. And that was directly from |
| 20 | Q | a district manager? | 20 | Heath Croom and everybody else in the |
| 21 | Α | No. | 21 | department. |
| 22 | Q | Did any district managers report to | 22 | Q That's okay. That's just that's |
| 23 | you? | | 23_ | not my question. |

36 (Pages 142 to 145)

| | | | 30 (Pages 142 to 145 |
|----------|---|----|--|
| Page 142 | | | Page 144 |
| 1 | A Okay. | 1 | in an informal capacity about your audit |
| 2 | Q My question was, did you have | 2 | reports, correct, in the fall? Remember that |
| 3 | supervisor experience at the district manager | 3 | testimony? |
| 4 | level or above. Were you a district manager? | 4 | A Yes. That was when I first |
| 5 | The answer is no; correct? | 5 | yeah. And I also asked him, you know, does |
| 6 | A The experience, yes, but not | 6 | he think I would be qualified for the |
| . 7 | Q I didn't ask you | 7 | position, and he said yes. |
| 8 | A the title. | 8 | (WHEREUPON, a document was marked |
| 9 | Q about experience. I asked you | 9 | as Defendant's Exhibit 14 and is attached to |
| 10 | if you had been a district manager. | 10 | the original deposition.) |
| 11 | A That | 11 | Q (BY MS. JOHNSON) I'm going to show |
| 12 | Q I can ask you whatever I want to | 12 | you Defendant's Exhibit 14. Do you recall |
| 13 | ask you. | 13 | seeing this document? |
| 14 | A Okay. | 14 | A Yes. |
| 15 | Q My question is, have you ever been | 15 | Q Okay. What is it? |
| 16 | a district manager? | 16 | A The corporate American Express |
| 17 | A No. | 17 | policies. |
| 18 | Q Have you ever supervised a district | 18 | Q All right. And did were you |
| 19 | manager? | 19 | provided with a copy of this on or about |
| 20 | A Supervised as? | 20 | March 25th, 2003? |
| 21 | Q As their supervisor. | 21 | A Yes. But not yes. Go ahead. |
| 22 | A Oh, as their supervisor? | 22 | Q What were you about to say. But |
| 23 | Q Yes. | 23 | not what? |
| Ī | Page 143 | | Page 145 |
| 1 | - | | _ |
| 1 | A No. | 1 | A Nothing. Nothing. |
| 2 | Q Was there a similar e-mail sent out | 2 | Q Who do you plan on calling as a |
| 3 | about the previous job that you can't | 3 | witness in the trial of this case? |
| 4 | remember the name of? | 4 | A Who do I plan on calling? |
| 5 | A Yes. | 5 | Q Uh-huh. |
| 6 | Q All right. And if Movie Gallery | 6 | A I don't know. I don't know. |
| 7 | doesn't have a copy of such job, you don't | 7 | Q Well, have you talked with any |
| 8 | have any explanation for that; is that | 8 | employees about your lawsuit or about your |
| 9 | accurate? | 9 | claims in this case? |
| 10 | A Do I have an explanation? No. I | 10 | A Me personally? No. |
| 11 | mean, it was sent out by Movie Gallery. So I | 11 | Q Have you talked with any former |
| 12 | don't know what you guys do with this after | 12 | employees? |
| 13 | you put it out. | 13 | A No. |
| 14 | Q I'm going to show you what's been | 14 | Q To your knowledge, has your |
| 15 | marked as let me go back a minute. On | 15 | attorney talked to any employees or former |
| 16 | this job that you applied for in March of | 16 | employees about testifying in this case? |
| 17 | '05, you had already, at this point, received | 17 | A To my knowledge, I don't know. No. |
| 18 | that written warning we discussed you | 18 | Q Do you know, or do you not know? |
| 19 | received in January of '05; correct? | 19 | A I do not know. |
| 20 | A Correct. Yes. January's before | 20 | Q Okay. So sitting here today, you |
| 21 | March. Yes. | 21 | know of no witnesses that you intend to call |
| 22 | Q And Mr. Croom you also testified | 22 | or that your lawyer intends to call at your |
| 23 | that Mr. Croom had talked with you previously | 23 | trial to support your allegations? |

37 (Pages 146 to 149)

| _ | | | 3/ (Pages 146 to 149 |
|----|---|----|--|
| | Page 14 | 6 | Page 148 |
| 1 | A Right. Correct. | 1. | A Okay. |
| 2 | Q Okay. Do you have any documents | 2 | Q Do you know of any documents that |
| 3 | and when I say "in your possession," I don't | 3 | you believe prove that your allegations are |
| 4 | mean literally in your possession. Do you or | 4 | true? |
| 5 | your attorney have any documents or other | 5 | |
| 6 | evidence that you know about that you intend | i | A Do I know of any? |
| 7 | to introduce at the trial of this case? | 7 | Q Uh-huh. |
| 8 | A No. Everything I have, Movie | 8 | A There probably are, but I don't |
| 9 | Gallery has had possession of. | 9 | know of any right off. |
| 10 | Q All right. Well, tell me that | 10 | Q Do you know of any? That's the |
| 11 | doesn't matter. I can have possession of | | question. Not not whether they exist or |
| 12 | | 11 | not. Do you know of any that you believe |
| 13 | everything, but I still need to know what you | 12 | prove your case? |
| 14 | think what documents you have or that I | 13 | A My resume, the fact that I applied |
| 15 | have that will help prove the allegations in your case? | 14 | for it is what I know. |
| 16 | your case? A I don't know. I have to see. I | 15 | Q Just your resume and the fact that |
| 17 | | 16 | you applied for it. Is that the only two |
| 18 | don't know. | 17 | documents you know of that you think support |
| | Q Do you know | 18 | your case. |
| 19 | A I don't understand exactly what | 19 | A That I know of. |
| 20 | you're saying. | 20 | Q Okay. |
| 21 | Q Well, you intend to go to trial in | 21 | A But, again, I have a lawyer to |
| 22 | this case, correct, if the Court doesn't | 22 | Q Okay. And how does your resume |
| 23 | throw the case out? You intend to go to | 23 | prove your case? |
| | Page 147 | | Page 149 |
| 1 | trial; correct? | 1 | A It shows that I'm qualified for the |
| 2 | A Correct. | 2 | position at, at least, the Game Zone. And, |
| 3 | Q And you understand it's your burden | 3 | also, with the I asked my supervisor who |
| 4 | to prove your case? Do you understand that? | 4 | saw the requirements, and he said yes, I |
| 5 | A Yeah. That's why I hired a lawyer, | 5 | think you're qualified. |
| 6 | though. | 6 | Q If you found out that no one |
| 7 | Q Okay. Do you know what evidence | 7 | received that position and that, in fact, it |
| 8 | your lawyer | 8 | was eliminated before it was filled |
| 9 | A No, I do not. | 9 | A Then why wasn't I |
| 10 | Q intends to put on at trial, | 10 | Q Let me finish my question. |
| 11 | whether it's documents or witnesses, to prove | 11 | A Okay. |
| 12 | your case? | 12 | Q Okay. We can't talk over each |
| 13 | A I don't know. | 13 | other. If you found out the position was |
| 14 | Q You don't know of anything? | 14 | eliminated as a result of the let me back |
| 15 | A I don't know what I don't know. | 15 | up. Were you aware that Movie Gallery bought |
| 16 | That's why I hired a lawyer, so he can do all | 16 | Hollywood Video last year? |
| 17 | that kind of stuff. | 17 | A Yes. |
| 18 | Q Have you reviewed or seen have | 18 | Q As a result of that merger of those |
| 19 | you seen any documents? | 19 | two corporations, are you aware that certain |
| 20 | A No. Everything is with Movie | 20 | positions were eliminated? |
| 21 | Gallery. | 21 | A No. |
| 22 | Q It doesn't matter who has the | 22 | Q Okay. Well, if you were to learn |
| 23 | documents. | 23 | that particular position was never filled |
| | | | and particular position reasoners interest |

38 (Pages 150 to 153)

| r | · . | | 38 (Pages 150 to 153 |
|----|---|----|---|
| | Page 15 | 0 | Page 152 |
| 1 | because of the merger, would you still | 1 | Q I'm talking about facts. |
| 2 | contend that you were discriminated against | 2 | A I don't know. |
| 3 | when you didn't receive that position? | 3 | Q If somebody was treated the exact |
| 4 | A Yes. Because, again, I think I at | 4 | same way as you and they were white, would |
| 5 | least anybody, white, black, whatever, | 5 | you still believe you were discriminated |
| 6 | deserves the knowledge to know that this is | 6 | against? |
| 7 | what happened. Some kind of communication is | 1 | i |
| 8 | what | 8 | A Yes. |
| 9 | Q Okay. | 9 | Q Why? |
| 10 | A Something. | 10 | A Because I felt like I was |
| 11 | Q Communication problem; correct? | i | discriminated against because there was |
| 12 | A Partly. Partly. | 11 | nobody that I felt that I can go in and talk |
| 13 | • | 12 | to about this and nobody that that's just |
| 14 | , | 13 | how I feel. This is how I feel, period. |
| 15 | white employee applied for that same position | 14 | Q Okay. But even if you found out a |
| 16 | and wasn't interviewed and didn't receive it | 15 | white employee was treated the exact same |
| 17 | because it wasn't filled and he wasn't told | 16 | way, you would think it's because of your |
| | as to why, do you think he was discriminated | 17 | race? |
| 18 | against? | 18 | A Yes. |
| 19 | A Perhaps, I don't know. | 19 | Q I'm going to show you what I'm |
| 20 | Q Okay. Well, in that situation, | 20 | marking as Defendant's Exhibit 15 and ask you |
| 21 | would you have been treated any differently | 21 | if you've seen this document before, |
| 22 | than a white employee? | 22 | (WHEREUPON, a document was marked |
| 23 | A Yes. That's why I'm with this | 23 | as Defendant's Exhibit 15 and is attached to |
| | Page 151 | | Page 153 |
| 1 | lawsuit today. | 1 | the original deposition.) |
| 2 | Q No. Listen to my guestion. | 2 | Q (BY MS. JOHNSON) And take |
| 3 | A Okay. | 3 | MS. JOHNSON: What did I just hand |
| 4 | Q If a white employee applied for the | 4 | you? I'm sorry. |
| 5 | position, wasn't interviewed, and wasn't | 5 | MR. NEWMAN: Request for production |
| 6 | offered the job, and wasn't told why he | 6 | of documents. |
| 7 | wasn't offered the job, was he treated any | 7 | Q (BY MS. JOHNSON) And what did I |
| 8 | differently than you he or she? | 8 | hand you? |
| 9 | A He or she? And they weren't told | 9 | A Request for admission, |
| 10 | or anything? | 10 | MS. JOHNSON: Yeah. My assistant |
| 11 | Q Uh-huh. | 11 | got them mixed up. Hang on one second. That |
| 12 | A I don't know. I guess not. I | 12 | may be the only copy. |
| 13 | don't know. | 13 | |
| 14 | Q You guess not? | 14 | MR. NEWMAN: Go ahead. It will be |
| 15 | A I guess not. I don't know. I | 15 | OKAY. |
| 16 | don't know how they feel. | 16 | Q (BY MS. JOHNSON) Have you seen that document? |
| 17 | Q It's a hypothetical question. | 17 | 10 |
| 18 | A Right, It's I don't know how | 18 | A Yes. |
| 19 | | | Q Okay. And when did you see it |
| 20 | they feel. I know how I feel. I don't know | 19 | A That I don't know, |
| 21 | how they feel. | 20 | Q for the first time? |
| 22 | Q Well, I'm not talking about | 21 | A What? |
| 23 | feelings. I'm talking about facts. | 22 | Q For the first time, when did you |
| 20 | A Okay. I don't know then. | 23 | see it? |

39 (Pages 154 to 157)

| | | | 39 (Pages 154 to 157 |
|----|--|----|---|
| | Page 15 | 4 | Page 156 |
| 1 | A I don't know. I don't remember. | 1 | Zone and the retail and all that aspect of |
| 2 | Q Well, did you assist your | 2 | the actual Game Zone, but like you asked |
| 3 | attorney | 3 | me had I ever worked in one, physically |
| 4 | A No. I'm sorry, | 4 | worked in a Game Zone. |
| 5 | Q Let me get the question out. Did | 5 | Q Right. |
| 6 | you assist your attorney in responding to | 6 | A No, I have not. |
| 7 | this? | 7 | Q Okay. Well, what experience did |
| 8 | A No. | 8 | you have working with Game Zone at the time |
| 9 | Q You didn't provide him any | 9 | |
| 10 | information to assist him in answering these | 10 | you applied for this position? |
| 11 | questions? | 11 | A Well, as an auditor, I had to learn |
| 12 | A I answered the questions. That was | 12 | each and every aspect of everyone's position. |
| 13 | it. | | And that includes Game Zone and Sun Bed |
| 14 | | 13 | the sunbathing department of Movie |
| 15 | Q All right. Let me show you what | 14 | Gallery. Everything. So I have a working |
| 16 | I'm marking as Defendant's Exhibit 16. | 15 | knowledge of |
| 17 | (WHEREUPON, a document was marked | 1 | Q And you did that as an auditor, |
| 18 | as Defendant's Exhibit 16 and is attached to | 17 | though; right? |
| | the original deposition.) | 18 | A Right. |
| 19 | Q (BY MS. JOHNSON) If you would, | 19 | Q You didn't work in the store as an |
| 20 | flip to the last page. | 20 | associate? |
| 21 | A This is the same thing. | 21 | A As an associate, as a gamer. |
| 22 | Q No. These are your answers, | 22 | Q Okay. So it's true, is it not, |
| 23 | actually. | 23 | that you have never worked let me rephrase |
| | Page 155 | | Page 157 |
| 1 | A Oh. | 1 | that. That you did not have and listen to |
| 2 | Q If you'll review the questions and | 2 | my question closely. You did not have actual |
| 3 | your answers, and let me know whether your | 3 | experience in a game operation, the retail |
| 4 | answers are still accurate as of today. | 4 | experience? |
| 5 | A (Witness complies.) | 5 | I didn't ask you whether you were |
| 6 | I think that's right. Yeah. | 6 | familiar, as an auditor, with the job duties. |
| 7 | Q You need to speak | 7 | My question is, did you have actual two to |
| 8 | A I think, yes. | 8 | three years experience working in a Game |
| 9 | Q Yes or no. Are your answers | 9 | Zone? |
| 10 | accurate? | 10 | |
| 11 | A Yes. | 11 | |
| 12 | Q Okay. Number five says, admit that | 12 | Q Right. Or any game store. |
| 13 | as of March 24th, 2005, you did not have at | 13 | A Well, see |
| 14 | least two to three years related retail | ł | Q That's my question. You don't get |
| 15 | | 14 | to change the question. You can |
| 16 | experience related to game or new product | 15 | MR. NEWMAN: So you're asking a |
| 17 | operations and marketing and/or training or | 16 | different question than number five itself. |
| 18 | equivalent combination of education | 17 | Q (BY MS. JOHNSON) I'm asking you, |
| | experience. And your answer is, cannot admit | 18 | did you have two to three years retail |
| 19 | or deny. | 19 | experience working in a Game Zone or a game |
| 20 | Why can't you admit or deny that? | 20 | store? |
| 21 | A That is because, number one, I had | 21 | A Then yes. |
| 22 | been working with the company for so long | 22 | Q You did have retail experience |
| 23 | that I do have working knowledge of the Game | 23 | working in a Game Zone? |

40 (Pages 158 to 161)

| | | | 40 (Pages 158 to 161 |
|----|---|----|---|
| | Page 158 | | Page 160 |
| 1 | A Retail experience, yes. Because | 1 | A As a throughout my auditing, |
| 2 | yes. | 2 | whenever. If they need help, then we could |
| 3 | | 3 | assist them and help. |
| 4 | | 4 | • |
| 5 | | 5 | Q How many times did you do that? |
| | Zone? | | A I don't know. I didn't keep count |
| 6 | Q Yes. | 6 | of how many. It was numerous times that that |
| 7 | A As an auditor, you I'm working | 7 | situation would come up. |
| 8 | in every I have to know everything | 8 | Q Are you saying that as an |
| 9 | Q Well, do you know what "retail | 9 | auditor |
| 10 | experience" means? Do you know | 10 | A But I |
| 11 | A Yes. | 11 | Q — that your job was to be a sales |
| 12 | Q What does that mean? | 12 | associate? |
| 13 | A That means that that's what | 13 | A If they needed help, we could |
| 14 | Movie Gallery Movie Gallery is a retailer | 14 | assist. |
| 15 | of movies. Okay? | 15 | Q And you don't have any recollection |
| 16 | Q I understand that. | 16 | as to how many times you did that? |
| 17 | A And the Game Zone is also a | 17 | A No. |
| 18 | retailer of games. | 18 | Q Would you say that was a primary |
| 19 | Q As an auditor, were you renting or | 19 | function of your job? |
| 20 | selling games? | 20 | A No. |
| 21 | A Yes. If a customer came up, that's | 21 | Q I'm going to show you what I'm |
| 22 | I would do that. That's what I had to | 22 | marking as Defendant's Exhibit 17. Take a |
| 23 | know. | 23 | minute to review it, and tell me if you've |
| 23 | | 20 | |
| | Page 159 | | Page 161 |
| 1 | Q You had to know the job duties; | 1 | ever seen this document before. |
| 2 | correct? | 2 | (WHEREUPON, a document was marked |
| 3 | A I had to know the job duties. | 3 | as Defendant's Exhibit 17 and is attached to |
| 4 | Q Did you actually sell on the floor? | 4 | the original deposition.) |
| 5 | Were you | 5 | A Okay. Yes. |
| 6 | A Nobody sells on the floor. | 6 | Q And when was the first time you saw |
| 7 | Q Nobody sells on the floor? | 7 | it? |
| 8 | A Nobody goes out, you know, and | 8 | A I don't remember the first time I |
| 9 | all right. Go ahead. Just go ahead. | 9 | saw it. |
| 10 | Q Okay. Well, tell me what the | 10 | Q Okay. Did you provide all the |
| 11 | employees are called that work in the Game | 11 | documents that are requested in this document |
| 12 | Zone? | 12 | to your attorney? |
| 13 | A Customer sales associate. | 13 | A That I had access of. |
| 14 | | | |
| | Q Okay. And they work in retail? | 14 | Q Which documents don't you have |
| 15 | They're selling or renting the games; | 15 | access to? |
| 16 | correct? | 16 | A Don't I? |
| 17 | A Right. | 17 | Q Yeah. |
| 18 | Q All right. Did you ever work in a | 18 | A It's a lot of them. Number five. |
| 19 | Game Zone or a game store where you sold or | 19 | Q You don't have your tax returns? |
| 20 | rented the product? | 20 | A No. |
| 21 | A To answer your question, yes, I | 21 | Q Where are they? |
| 22 | have because | 22 | A I don't know. |
| 23 | Q When? | 23 | Q You don't know where your tax |

41 (Pages 162 to 165)

| | | | 41 (Pages 162 to 165 | | | |
|----|---|-----|---|--|--|--|
| | Page 162 | 2 | Page 164 | | | |
| 1 | returns are? | 1 | mean | | | |
| 2 | A No. | 2 | Q Well, what kind of problems have | | | |
| 3 | Q Have you filed tax returns every | 3 | you been having? | | | |
| 4 | year? | 4 | A Well, first of all, not only me, | | | |
| 5 | A Yes. | 5 | but my wife as well. We almost lost our baby | | | |
| 6 | Q Okay. And you don't keep copies of | 6 | due to the stress because she had to continue | | | |
| 7 | those? | 7 | to work after this happened, and she was | | | |
| 8 | A Yes. But I don't know where it is. | 8 | pregnant. She had to stand up all day. | | | |
| 9 | Seriously, I don't know where it is. | 9 | Eight or more hours, she had to stand up. | | | |
| 10 | Q Do you have an accountant? | 10 | What else? | | | |
| 11 | A Huh? | 111 | Q Did she have to go to the hospital? | | | |
| 12 | Q Do you have an accountant? | 12 | A Yes. | | | |
| 13 | A Yeah. I guess. H & R Block. | 13 | Q Did she are there records of | | | |
| 14 | Q Okay. And do they maintain copies | 14 | that? | | | |
| 15 | of your tax returns? | 15 | A There should be. | | | |
| 16 | A I would hope so. | 16 | Q Okay. Well, you need to produce | | | |
| 17 | Q Have you asked them for copies? | 17 | those. They're requested in here? | | | |
| 18 | A I attempted to call them, but I | 18 | A Okay. | | | |
| 19 | could not get in contact with anyone. | 19 | Q What other problems? Did she | | | |
| 20 | Q Okay. Well, that's something you | 20 | deliver prematurely? | | | |
| 21 | need to do. There is it's not an excuse | 21 | A I think she did. A couple days. | | | |
| 22 | that you can't get your documents from your | 22 | Q A couple days? | | | |
| 23 | accountant. You've brought a lawsuit, and | 23 | A Uh-huh. | | | |
| | Page 163 | | Page 165 | | | |
| ١, | <u>-</u> | | | | | |
| 1 | you've got to turn those over. | 1 | Q All right. | | | |
| 2 | A Uh-huh. | 2 | MR. NEWMAN: Which one relates to | | | |
| 3 | Q Do you have any diaries or notes or | 3 | medical records of a spouse? | | | |
| 4 | any kind of tapes related to this lawsuit? | 4 | MS. JOHNSON: Well, my question | | | |
| 5 | A No. | 5 | was, have you seen have you it would be | | | |
| 6 | Q What other documents do you not | 6 | number sixteen. And it says for plaintiff, | | | |
| 7 | have access to? | 7 | but his answer to my question was that his | | | |
| 8 | A I have no. I don't have number | 8 | wife suffered too. So if he's claiming his | | | |
| 9 | ten. | 9 | wife suffered as a result of the lawsuit, | | | |
| 10 | Q And why not? | 10 | you've | | | |
| 11 | A Oh, okay. I'm sorry. That was a | 11 | MR. NEWMAN: But you didn't really | | | |
| 12 | mistake. I thought that was the one about | 12 | ask for that, did you? | | | |
| 13 | the unemployment. Okay. I think that's it. | 13 | MS. JOHNSON: I asked for it now, | | | |
| 14 | Q Any other documents? | 14 | and he's | | | |
| 15 | A No. I think that's it. | 15 | MR. NEWMAN: He's not making a | | | |
| 16 | Q So other than the tax returns, | 16 | claim on behalf of his wife. | | | |
| 17 | you've turned over everything that you have | 17 | MS. JOHNSON: I also have a | | | |
| 18 | that's requested in this exhibit? | 18 | question as for any documents that support or | | | |
| 19 | A Yes. | 19 | explain the damages claimed by you. And | | | |
| 20 | Q Have you seen a doctor at all, any | 20 | apparently he's claiming damages. | | | |
| 21 | kind of doctor, related to your allegations | 21 | MR. NEWMAN: Where? Where does he | | | |
| 22 | in this lawsuit? | 22 | claim damages | | | |
| 23 | A No. I couldn't afford one. I | 23 | MS. JOHNSON: I just asked him. | | | |

42 (Pages 166 to 169)

| | | | 42 (Pages 166 to 169 |
|-----|---|----|---|
| | Page 166 | 5 | Page 168 |
| 1 | MR. NEWMAN: to his wife? | 1 | A From Movie Gallery. |
| 2 | MS. JOHNSON: I said | 2 | Q Y'all didn't have insurance |
| 3 | MR. NEWMAN: But I mean, in the | 3 | after you were terminated? |
| 4 | lawsuit itself, do I make any claim for | 4 | A Right. We had no insurance |
| . 5 | MS. JOHNSON: Well, he's telling me | 5 | whatsoever? |
| 6 | now. | 6 | Q What kind of doctor? |
| 7 | MR. NEWMAN: consortium? A | 7 | A She needed to see an OB/GYN. |
| 8 | consortium claim? | 8 | Q Talking about you. |
| 9 | MS. JOHNSON: What he's telling me | 9 | A Oh, me. |
| 10 | right now is that his wife | 10 | Q What kind of doctor is it you |
| 11 | MR. NEWMAN: Well, that's not | 11 | said you couldn't afford to go to the doctor. |
| 12 | really relevant because we don't claim that. | 12 | What kind of doctor did you want or need to |
| 13 | MS. JOHNSON: I have to go with | 13 | see? |
| 14 | what his testimony is, not what his lawyer's | 14 | A A psychiatrist would have been |
| 15 | opinion of his testimony is. | 15 | |
| 16 | MR. NEWMAN: Well, it's not my | 16 | fine. That would have been great, to express |
| 17 | opinion. It's the law. The complaint itself | 17 | how I feel and get some sleep, you know. |
| 18 | is the | 18 | That's it. |
| 19 | | 19 | Q Did you attempt to did you have |
| 20 | MS. JOHNSON: The complaint is very broad. | 20 | COBRA with Movie Gallery? Did you apply for |
| 21 | | 21 | COBRA after you were terminated? |
| 22 | MR. NEWMAN: But it doesn't say | 22 | A No. |
| 23 | anything about claims for | 1 | Q You didn't? |
| 2.5 | MS. JOHNSON: If he tells me his | 23 | A No. |
| 1. | Page 167 | | Page 169 |
| 1 | wife delivered early, I have the right to ask | 1 | Q Okay. Did you know |
| 2 | for information about that. | 2 | A It was too expensive. We couldn't |
| 3 | MR. NEWMAN: Well, you can ask for | 3 | afford it. |
| 4 | it. I'm not going to try I'm not going to | 4 | Q All right. Did you try to find out |
| 5 | tell him to get that because it's irrelevant. | 5 | if there was any kind of psychiatrist you |
| 6 | MS. JOHNSON: Okay. Well, I'll | 6 | could go see on Medicaid or that was offered |
| 7 | move to compel, and we'll | 7 | to the public at a reduced or free charge? |
| 8 | MR. NEWMAN: Fine. Move. | 8 | A I have no knowledge of that. |
| 9 | Q (BY MS. JOHNSON) Okay. What other | 9 | Q Okay. My question is, did you |
| 10 | doc have you seen any what other | 10 | attempt to find out about it? |
| 11 | physical problems | 11 | A No. |
| 12 | A I couldn't afford a doctor. My | 12 | Q What other doctors did you want to |
| 13 | and the insurance was cancelled, after a | 13 | see that you didn't see because you didn't |
| 14 | while, with Movie Gallery. So we still got | 14 | have any money? |
| 15 | bills from that. That's why she was able to | 15 | A That was pretty much it. |
| 16 | go and see the doctor in the first place. Me | 16 | Somebody some way to try to get some sleep |
| 17 | | 17 | and stressing about everything going on. I |
| 18 | Q I didn't follow that. Why was she | 18 | mean |
| 19 | able to go see a doctor? | 19 | Q Okay. What happened with your |
| 20 | A Because we had the insurance had | 20 | sleep? Tell me about your sleep problems. |
| 21 | not cancelled just yet. The insurance that | 21 | A Well, I couldn't get none. |
| 22 | we had. | 22 | Q You didn't sleep at all? |
| 23 | Q From Movie Gallery? | 23 | A There would be some nights where I |

43 (Pages 170 to 173)

| _ | | | 43 (Pages 170 to 173 |
|----------|---|-----|---|
| | Page 170 | | Page 172 |
| 1 | couldn't get any sleep at all because | 1 | Q All right. |
| 2 | Q Okay. | 2 | A Yes. |
| 3 | A And not only that. I'm keeping my | 3 | Q Any other physical or mental |
| 4 | wife up, and she's been working, you know, | 4 | problems you had other than what you've |
| 5 | ten hours. So it was it was just bad. | 5 | already told me? |
| 6 | Q Okay. How long did you have | 6 | A I don't think so. My wife might |
| 7 | sleeping problems for? | 7 | differ, but |
| 8 | A Probably for months. At least two | 8 | Q Let me show you what I'm marking as |
| 9 | or three months because even after it was | 9 | Defendant's Exhibit 18, |
| 10 | just it was crazy. | 10 | (WHEREUPON, a document was marked |
| 11 | Q Well, I think you testified and | 111 | as Defendant's Exhibit 18 and is attached to |
| 12 | correct me if I'm wrong that you were | 12 | the original deposition.) |
| 13 | unemployed for about a month. | 13 | Q (BY MS. JOHNSON) Have you seen |
| 14 | A Uh-huh. | 14 | this document? |
| 15 | Q Is that correct? | 15 | A Yes. |
| 16 | A Yeah. | 16 | Q And when is the first time you saw |
| 17 | Q Did you continue to have sleep | 17 | it? |
| 18 | problems after you got a job? | 18 | A I don't remember. |
| 19 | A Yeah. Because we were like | 19 | Q Did you provide the information to |
| 20 | within that month, we got behind. And it | 20 | your attorney so that he could answer these |
| 21 | brought on more problems. Then we found out | 21 | questions? |
| 22 | about the insurance being cancelled, and, you | 22 | A Yes. |
| 23 | know, it was | 23 | Q I'll show you what I'm marking as |
| | Page 1 71 | | Page 173 |
| 1 | - | | |
| 2 | Q What do you mean you found out | 1 | Defendant's Exhibit 19. |
| 3 | about the insurance being cancelled? | 2 | (WHEREUPON, a document was marked |
| 1 | A Well, that's what we got. We got a | 3 | as Defendant's Exhibit 19 and is attached to |
| 4 5 | letter in the mail saying that we owe for this and this and this. | 4 | the original deposition.) |
| 6 | | 5 | Q (BY MS, JOHNSON) Are these the |
| 7 | Q I don't know what you're | 6 | answer to the interrogatories, or Defendant's |
| 8 | A Well, we got a letter in the mail | 7 | Exhibit 18 your answers? |
| | that basically said that we didn't have | 8 | A Oh, yes. |
| 9 | insurance, that we needed to pay the doctor. | 9 | Q Okay. Take a minute to review it |
| 10 11 | Q Well, you knew that when you were | 10 | and let me know if anything in here is |
| 12 | terminated that you were going to have to get | 11 | inaccurate. |
| 13 | COBRA or not have health insurance, didn't | 12 | A (Witness complies.) |
| 14 | you? | 13 | Okay. |
| 15 | A I thought when I got that | 14 | Q Is everything in here accurate? |
| 16 | packet, I did. Yes. | 15 | A Yes. |
| 17 | Q Right. When did your wife deliver | 16 | Q Okay. It says that you were in a |
| 18 | the baby? | 17 | a defendant in a lawsuit filed by Trinity |
| 19 | A November 15th. | 18 | Day Care? |
| 20 | Q Of what year? | 19 | A Uh-huh. |
| 21 | A '05. | 20 | Q Is that the only lawsuit you've |
| 22 | Q And at that point, you were | 21 | ever been involved in |
| 23 | employed; correct? | 22 | A Yes. |
| ر ہے | A Yes. | 23 | Q other than this one? |

44 (Pages 174 to 177)

| | | | | 44 (Pages 174 to 177 |
|----|----------|---------------------------------------|-----|--|
| | | Page 17 | 4 | Page 176 |
| 1 | Α | Yes. | 1 | what I've marked as Defendant's Exhibit 20. |
| 2 | Q | Okay. And when was that lawsuit? | 2 | And I'll represent to you that these are the |
| 3 | A | I don't remember. | 3 | answers to the request for production which, |
| 4 | Q | How long ago? How many years? How | ı | I believe, was Defendant's Exhibit I think |
| 5 | many | months? | 5 | it's 18. You might want to look through your |
| 6 | Á | Not it was somewhere right after | 6 | stack. |
| 7 | I had l | been laid off with Movie Gallery. I | 7 | And I just all I want to ask you |
| 8 | | hat month the next month, they sued | 8 | is whether your answers to the request for |
| 9 | us. | and more more in order | 9 | production are accurate. |
| 10 | Q | And what happened with that | 10 | A Yes. |
| 11 | lawsuit | | 111 | Q Take as much time as you need to |
| 12 | Α | Basically, we had to pay the day | 12 | review it. |
| 13 | | ecause | 13 | A I remember this. |
| 14 | Q | Did you settle, or did you go to | 14 | |
| 15 | court? | = , su secue, of aid you go to | 15 | Q And are your answers to the request for production accurate? |
| 16 | A | Settled. I guess so. | 16 | A Uh-huh. Yes. |
| 17 | Q | And did you have a lawyer in that | 17 | |
| 18 | case? | rate did you have a lawyer in that | 18 | Q Okay. I'm going to show you what I'm marking as Defendant's Exhibit 21. |
| 19 | A | No. | 19 | _ |
| 20 | | Let me show you | 20 | (WHEREUPON, a document was marked as Defendant's Exhibit 21 and is attached to |
| 21 | _ | That came about because oh, | 21 | |
| 22 | | We didn't have any income coming in. | 22 | the original deposition.) |
| 23 | | | 23 | Q (BY MS. JOHNSON) Have you seen this document before? |
| | | | 125 | |
| | _ | Page 175 | | Page 177 |
| 1 | Q | Do you have any documents related | 1 | A I don't remember seeing this one. |
| 2 | | lawsuit in your possession? | 2 | I don't remember seeing it. |
| 3 | | No. | 3 | Q Take your time. |
| 4 | | Where are they? | 4 | A Okay. Yes. |
| 5 | | I don't know. | 5 | Q Do you remember providing |
| 6 | | You just lost them? | 6 | supplemental answers to our interrogatories? |
| 7 | | Yeah. Well, we've moved a couple | 7 | A Yes. |
| 8 | | It really wasn't anything for me to | 8 | Q And are these those answers? |
| 9 | keep. | | 9 | A Yes. |
| 10 | | Well, there would have been a | 10 | Q And are they accurate? |
| 11 | - | nt; correct? | 11 | A Yes. |
| 12 | | Huh? | 12 | Q Do you recall an occasion, back in |
| 13 | | There would have been a complaint; | 13 | January of '05, where you had to call Croom |
| 14 | correct? | | 14 | from the Dothan airport because you |
| 15 | | Yes. | 15 | couldn't because they wouldn't approve the |
| 16 | | Okay. Did you sign the settlement | 16 | cost of the flight on your American Express |
| 17 | agreeme | | 17 | card? |
| 18 | | Tell you the truth, the only thing | 18 | A Yes. |
| 19 | | ber is just paying the amount. | 19 | Q And he had to come out there and |
| 20 | | WHEREUPON, a document was marked | 20 | buy your ticket; is that correct? |
| 21 | | ndant's Exhibit 20 and is attached to | 21 | A Yes. That, again, is with the |
| 22 | _ | nal deposition.) | 22 | reimbursement. Something was happening there |
| 23 | Q (| BY MS. JOHNSON) Let me show you | 23 | with the reimbursement, so |

Document 12-3

45 (Pages 178 to 181)

| | | | 45 (Pages 1/8 to 181) | |
|-----|---|----|--|--|
| | Page 178 | | Page 180 | |
| 1 | Q Well, we've been over that. And as | 1 | Q Okay. And then you had to contact | |
| 2 | the record shows, it was one day late; is | 2 | Bo Collins so he could pay for your hotel | |
| 3 | that accurate? | 3 | room and gas; is that right? | |
| 4 | A Yeah. It happened more than once, | 4 | A Yes. | |
| 5 | though. | 5 | | |
| 6 | | 6 | Q Okay. Are there any other facts | |
| 7 | Q And I'm talking about this | 1 | that we haven't talked about today that you | |
| 8 | particular occasion. | 7 | contend support your claims of discrimination | |
| | A And I'm telling you it was | 8 | in this case, anything I've left off? | |
| 9 | something with the reimbursement as well, so | 9 | A Well, let me think. Well, earlier | |
| 10 | yes. That is yes, he did pay for it. | 10 | I was talking with my wife during the | |
| 11 | Q I can pull I can go back through | 11 | lunch break, and she reminded me of I | |
| 12 | the documents, but as I recall, it was | 12 | think you asked me have I ever heard of | |
| 13 | January of '05 where you were one day late. | 13 | anything referring to the hostile any | |
| 14 | And that would have been related to this | 14 | hostility toward anybody. | |
| 15 | attempt to buy | 15 | And the only incident that I can | |
| 16 | A Okay. | 16 | remember, really, is that we were in the | |
| 17 | Q your ticket; is that correct? | 17 | office talking about our political parties | |
| 18 | A Yes. | 18 | and anyway, there was some hostility | |
| 19 | Q All right. And, in fact, after | 19 | between myself and Bo Collins and, I think, | |
| 20 | that, Mr. Croom audited your American Express | 20 | Heath. Anyway, it was the thing about being | |
| 21 | card payment history and found that you had | 21 | a Democrat and a Republican. And not only | |
| 22 | been continuously and repeatedly late; is | 22 | there was also one point where some | |
| 23 | that correct? | 23 | kind of way, something was brought up about | |
| | Page 179 | | Page 181 | |
| 1 | A Not repeatedly late. No. | 1 | the HNIC, which is head nigger in charge. | |
| 2 | Q Okay. So if we pulled the American | 2 | And Bo Collins | |
| 3 | Express records, it won't show that you were | 3 | Q Who told you that that's what that | |
| 4 | late on numerous occasions? | 4 | meant? | |
| 5 | A I don't remember. No. | 5 | A Well, Bo Collins actually said it, | |
| 6 | Q You don't remember, or you don't | 6 | that's what it meant. And I remember Ms. | |
| 7 | know? | 7 | Margie, Margie, Margaret somebody came | |
| 8 | A I don't know. | 8 | in. And she was like — she told them, you | |
| 9 | Q Okay. Do you have any reason to | 9 | know, don't be saying that in front of Mike, | |
| 10 | dispute that? | 10 | you know, don't be saying that. So that is | |
| 11 | A No. | 11 | what I remember. | |
| 12 | Q All right. Actually, on that day | 12 | | |
| 13 | you couldn't buy the ticket, did you get a | 13 | Q Okay. And what was the context of him saying that? | |
| 14 | ticket or did he instruct you to drive to | 14 | · - | |
| 15 | Georgia to do an audit? Do you recal!? | 15 | A Was telling me what HNIC means. | |
| 16 | - | 16 | Q Why did that come up? | |
| 17 | A I can't remember, actually. I know | | A We were talking about something | |
| | I was with I think, yeah Bo. | 17 | about something I don't know. I was | |
| 18 | Q Originally, you were in the airport | 18 | feeling good or something, and I was saying | |
| 19 | to buy a ticket; correct? | 19 | something in reference to doing this task | |
| 20 | A Uh-huh. | 20 | good or something or something like that, | |
| 21 | Q And then you wound up driving to | 21 | you know. And it was brought up that way. | |
| 22 | Georgia instead; is that correct? | 22 | Q And how was it brought up? Was he | |
| .23 | A Perhaps. I don't remember. Yeah. | 23 | just was it a joke? Was he saying it | |

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46 (Pages 182 to 185)

| | | | 46 (Pages 182 to 185 |
|-----------------|--|----|---|
| | Page 182 | 2 | Page 184 |
| 1 | about you? What was the context? | 1 | A No. |
| 2 | A He may have meant it as a joke, but | 2 | Q that you were offended? |
| 3 | it was not taken that way. And it was | 3 | A Well, he |
| 4 | okay. I think it went something like this. | 4 | Q Well, let me ask you this: Were |
| 5 | We were talking, and I was saying that | 5 | you offended? |
| 6 | Heath was giving me something to do. And I | 6 | A Yes, I was. |
| 7 | was like, well, all right, you know, I guess | 7 | Q Okay. Did you report that to |
| 8 | I'm in charge now or something like that. | 8 | anyone? |
| 9 | And or I'm taking lead or whatever it was. | 9 | A No. Because at the it was like, |
| 10 | But it was brought up in that manner. It | 10 | you know I don't know. No. Because my |
| 11 | was, I guess you feel I guess I feel like | 11 | |
| 12 | the HNIC. | 12 | supervisor was right there. Who else, you |
| 13 | Q You said that? | 13 | know and I did not know I was about to be |
| 14 | - | 14 | laid off. |
| 15 | read ingger | 1 | Q If you had known you were about to |
| 16 | in charge? So you the head nigger? Like | 15 | be laid off, you would have complained? |
| 17 | that. | 16 | A Yes. Because maybe I wouldn't have |
| 18 | Q Did he ask you what it meant? | 17 | lost my job or anything. |
| | A No. He no. He said what it | 18 | Q You would have complained so you |
| 19 | meant. | 19 | wouldn't have lost your job? |
| 20 | Q But you brought it up first? | 20 | A Right. I had feared losing my job. |
| 21 | A Yes. | 21 | So if I said anything, I probably |
| 22 | Q Okay. And is that what you meant | 22 | Q You were in fear of losing your |
| 23 | when you brought it up? Is that what it | 23 | job? |
| | Page 183 | | Page 185 |
| 1 | stood for in your mind? | 1 | A If I would have said something. |
| 2 | A Well, yes. | 2 | Q Why? |
| · 3 | Q Okay. Who was standing there when | 3 | A Because that is a tightknit group |
| 4 | that conversation took place? | 4 | there with the LP office, period. But |
| 5 | A I know Heath was there because we | 5 | Heath, Bo Collins, and Margie her name was |
| 6 | was in his office. And Margie, Margaret. | 6 | Margie Margaret? It's just a very |
| 7 | Q Who was that? | 7 | tightknit group. And it is what it is, you |
| 8 | A It's an older lady in the office. | 8 | know. So if I complained to, maybe I |
| 9 | She's the oldest lady in the office, as a | 9 | don't know Mr. Kitchens, I mean, it would |
| 10 | matter of fact. She does accounting or | 10 | have leaked out. It would have gotten |
| 11 | something. | 11 | somewhere. |
| 12 | Q Okay. Anybody else? | 12 | |
| 13 | A No. That was it. Just us three | 13 | Q Okay. Did you know of any |
| $\frac{14}{14}$ | four. | 14 | employee, ever, at Movie Gallery that |
| 15 | Q When was that? | 15 | complained about anything discrimination-wise |
| 16 | A That was somewhere close to all | | and was terminated? |
| 17 | | 16 | A No. It's so big of a company. I |
| 18 | this happening. | 17 | don't know |
| 19 | Q To the termination? | 18 | Q Well, what was your basis |
| | A Uh-huh. | 19 | A — for sure. |
| 20 | Q Did you report that to anyone? | 20 | Q for feeling that you would have |
| 21 | A Well, I mean, my supervisor was | 21 | been fired if you complained? |
| 22 | right there. | 22 | A Because I know how tight they are, |
| 23 | Q Did you report it to anybody | 23 | how close they are. |

47 (Pages 186 to 189)

| | | | 47 (Pages 186 to 189 |
|-----|---|----|---|
| | Page 18 | 6 | Page 188 |
| 1 | Q So, again, it was an assumption on | 1 | department at the corporate office in Dothan? |
| 2 | your part that, because they were close, if | 2 | Well, it's on the code of conduct thing you |
| 3 | you complained, you would be fired? | 3 | signed earlier. |
| 4 | A I know I would have. Yeah. | 4 | A Yeah. |
| 5 | Q You believe that, but you have no | 5 | Q Do you recall that? I can pull it |
| 6 | factual basis for that belief; is that | 6 | back out if you want me to. |
| 7 | correct? | 7 | A Yeah. I think I I think I was |
| . 8 | A It's what I believe, yes. | 8 | aware of that. I think. |
| 9 | Q Okay. Any other facts that you | 9 | Q And were you also aware that the |
| 10 | haven't discussed or told me about that you | 10 | policy said that if you are uncomfortable |
| 11 | think support your claims in this case? | 11 | talking to your supervisor, you can complain |
| 12 | A Let me see. I think I mentioned | 12 | to someone else? |
| 13 | earlier that I had a white coworker that was | 13 | A Uh-huh. |
| 14 | offered a position and actually given a | 14 | Q Are you aware of that? |
| 15 | position without I never saw it posted | 15 | A Yes. |
| 16 | anywhere, but was actually given a promotion. | | Q And I believe you told me earlier |
| 17 | Q But you actually told me before | 17 | that you got along with Mr. Croom and you |
| 18 | that you don't know if he was making more | 18 | were comfortable working with him; is that |
| 19 | money or not? | 19 | correct? |
| 20 | A Yeah. But, I mean, it was like | 20 | A Working with him. Yes. |
| 21 | they offered you know, they came to him. | 21 | Q That's all I have. |
| 22 | Q Right. | 22 | MR. NEWMAN: No questions. |
| 23 | A You know, | 23 | (1:42 p.m.) |
| | | 10 | (1.72 β.π.) |
| 1 | Page 187 | | |
| 2 | Q Okay. | 1 | (FURTHER DEPONENT SAITH NOT.) |
| 3 | A So I mean | 2 | CERTIFICATE |
| 4 | Q Any others? | 3 | STATE OF ALABAMA) |
| 5 | A And he wasn't even thinking about | 4 | JEFFERSON COUNTY) |
| 6 | it. | 5 | I hereby certify that the |
| 7 | Q Any others? | 6 | above and foregoing deposition was |
| | A That's it. | 7 | taken down by me in stenotype and the |
| 8 | Q When you were promoted to the audit | 8 | questions and answers thereto were |
| 9 | department, the corporate office, that was | 9 | transcribed by means of computer-aided |
| 10 | Mr. Croom's decision; is that correct? | 10 | transcription, and that the foregoing |
| 11 | A I guess. It was between Mr. | 11 | represents a true and correct |
| 12 | Kitchens and | 12 | transcript of the testimony given by |
| 13 | Q Mr. Croom? | 13 | said witness upon said hearing. |
| 14 | A Mr. Croom. | 14 | I further certify that I am |
| 15 | Q Together; right? | 15 | neither of counsel, nor of kin to the |
| 16 | A Uh-huh. | 16 | parties to the action, nor am I in |
| 17 | Q And I guess any raises you received | 17 | anywise interested in the result of |
| 18 | or bonuses you would have received would have | 18 | said cause. |
| 19 | been by them as well; correct? | 19 | |
| 20 | A Uh-huh. | 20 | Melissa S. Lee, CSR |
| 21 | Q Is that yes? | 21 | Certificate No: AL-CSR-555 |
| 22 | A Yes. | 22 | Notary Public |
| 23 | Q Were you aware that there's a legal | 23 | My Commission Expires 9/16/2006 |

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